

FILED

OCT 20 2020

Montana Water Court

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11 IN THE WATER COURT OF THE STATE OF MONTANA
12 UPPER MISSOURI DIVISION
13 RUBY RIVER BASIN (41C)

14 IN THE MATTER OF THE ADJUDICATION)
15 OF THE EXISTING RIGHTS TO THE USE) 41C 100938-00
16 OF ALL THE WATER, BOTH SURFACE) 41C 100939-00
17 AND UNDERGROUND, WITHIN BASIN) 41C 100941-00
18 41C, MADISON COUNTY, MONTANA)
19)
20)

21 VERIFIED MOTION TO AMEND WATER RIGHTS 41C 100938-00,
22 41C 100939-00 AND 41C 100941-00

23 I. INTRODUCTION

24 COMES NOW, Claimant Alder Triple R LLC, a Montana limited liability company
25 (hereinafter "Alder Triple R"), by and through their undersigned counsel of record, Karell Dyre
26 Haney PLLP, moves this Court pursuant to Rule 10, W.R.Adj.R., and Mont. Code Ann. § 85-
2-233(6), to amend water right claims 41C 100938-00 and 41C 100939-00 to reflect the actual
historical use of the claims and to correct the ownership of the claims. Alder Triple R also
moves the court to create an implied claim from Alder Triple R's split portion of 41C 100941-

00 to reflect the historical stock watering practices.

Pursuant to Rule 10 of the Montana Water Rights Adjudication Rules, a water rights claimant may file an amendment to their own water right claim:

Pursuant to § 85-2-233(6), MCA, claimants may file motions to amend their own claims and objectors may file motions to amend their own objections. A motion to amend must specify the requested amendment and the grounds for such amendment. Upon review, the water court will determine the notice required pursuant to § 85-2-233(6), MCA and issue an appropriate order.

After the issuance of a temporary preliminary decree, in order to amend any element of a water right claim, adequate notice must be provided to afford individuals the ability to reasonably consider whether the proposed amendment would affect their own water use and object to the amendment, if necessary, to protect their own water rights. Specifically, Mont. Code Ann. § 85-2-233(6) states:

- (a) After the issuance of a temporary preliminary decree or preliminary decree, notice must be published once a week for 3 consecutive weeks in two newspapers of general circulation in the basin where the decree was issued for:
 - (i) a motion to amend a statement of claim that may adversely affect other water rights; or
 - (ii) a motion to amend a timely objection that may adversely affect other water rights.
- (b) The notice must specify that any response or objection to the proposed amendment must be filed within 45 days of the date of the last notice.
- (c) The water judge may order any additional notice of the motion as the water judge considers necessary.
- (d) The costs of the notice required pursuant to this subsection must be borne by the moving party.

Here, water right claims 41C 100938-00, 41C 100939-00, and 41C 100941-00 were

1 decreed in the Basin 41C Temporary Decree on November 14, 1990. This motion is to clarify
2 certain elements of each of the claims to reflect historic use, update the ownership of the claims,
3 and create an implied claim for stock use from Alder Triple R's split portion of 41C 100941-
4 00.

6 II. PROPOSED AMENDMENTS

7 A. Claim 41C 100938-00

8 1. Basis & Evidentiary Support for Amendments

9 Point of Diversion: The original Statement of Claim for 41C 100938-00 was filed for
10 stock drinking directly from the Ruby River and for diversion of water into the Phillips Ditch
11 for stock drinking from the Phillips Ditch. The location of the point of diversion for the Phillips
12 Ditch was described as the NENENW of Section 28 of Township 6 South Range 4 West on
13 the original Statement of Claim form and on the map included with the original filing
14 (Statement of Claim form and accompanying map provided as Appendix A). The claim form
15 and map also included livestock direct from source as a means of diversion, as shown on page
16 1 of the original claim form. However, the stretch of the Ruby River from which stock drank
17 directly was inadvertently not claimed as points of diversion and places of use, even though it
18 was a component of the claim designated on the claim form. Therefore, in the Temporary
19 Decree, and on the current abstract, the claim only shows as a diversionary claim into Phillips
20 Ditch and is missing the livestock direct from source component. An affidavit by former
21 owner, Robert O. Miller, confirms the historic practices of livestock drinking from both the
22 Phillips Ditch and directly from the Ruby River (Affidavit provided as Appendix B). The claim
23 should be corrected to include the stretch of Ruby River where stock historically drank directly
24 from the source as points of diversion and places of use.
25
26

1 The proposed points of diversion are listed below in Table 2 and shown on the map
2 provided as Appendix C. The proposed revised abstract is provided as Appendix D.

3 Place of Use: On the original Statement of Claim form the claimant claimed the place
4 of use as the N2NW of Section 21 of Township 6 South Range 4 West. As described above,
5 the Phillips Ditch originates in the NENENW of Section 28 of Township 6 South Range 4
6 West and flows generally north to and through the claimant's property. The entire stretch of
7 the Phillips Ditch on the claimant's property has been historically used for stock water
8 purposes. The place of use legal land descriptions should be corrected to include the entire
9 stretch of Phillips Ditch on the property owned by the claimant as of 1973. The stretch of the
10 Ruby River that ran through the claimant's property should also be added to the place of use
11 to reflect the locations where the livestock historically drank directly from the Ruby River.
12

13 The proposed place of use legal land descriptions are listed below in Table 4 and shown
14 on the map provided as Appendix C. The proposed revised abstract is provided as Appendix
15 D.
16

17 Ownership: Since the claim was filed in 1982, the former Max O. Miller / Miller Cattle
18 Co. property shown on Appendix C was split into multiple parcels and conveyed to different
19 owners. The chain of title is provided as Appendix E. None of the prior conveyances reserved
20 41C 100938-00 and thus the appurtenant portions of 41C 100938-00 conveyed to each owner
21 of the split parcels. 41C 100938-00 ownership was not correctly updated with each property
22 split and transfer. Therefore, in accordance with the proposed place of use amendments, the
23 ownership should be corrected to reflect each owner within the place of use. The proposed
24 ownership is listed below and shown on the map provided as Appendix C. The proposed
25 revised abstract is provided as Appendix D.
26

1 **2. Proposed Amendments**

2 **Point of Diversion:**

3 The point of diversion should be corrected from the current points of diversion on the
4 abstract set forth in the following Table 1:

5 *Table 1: 41C 100938-00 Current Point of Diversion on Abstract*

ID	Gov't Lot	Qtr Sec	Sec	Twp	Rge	County	Means of Diversion
1		NENENW	28	6S	4W	Madison	Ditch

8 To the proposed changes set forth in the following Table 2:

9 *Table 2: 41C 100938-00 Proposed Points of Diversion*

ID	Gov't Lot	Qtr Sec	Sec	Twp	Rge	County	Means of Diversion
1		NENENW	28	6S	4W	Madison	Ditch
2		NW	21	6S	4W	Madison	Direct from Source
3		W2NESW	21	6S	4W	Madison	Direct from Source

13 **Place of Use:**

14 The place of use should be corrected from the current place of use on the abstract set
15 forth in the following Table 3:

16 *Table 3: 41C 100938-00 Current Place of Use on Abstract*

ID	Gov't Lot	Qtr Sec	Sec	Twp	Rge	County
1		N2NW	21	6S	4W	Madison

19 To the proposed changes set forth in the following Table 4:

20 *Table 4: 41C 100938-00 Proposed Places of Use*

ID	Gov't Lot	Qtr Sec	Sec	Twp	Rge	County
1		NW	21	6S	4W	Madison
2		N2NESW	21	6S	4W	Madison
3		SWNESW	21	6S	4W	Madison

1 Ownership:

2 The ownership should be corrected from the current ownership on the abstract set
3 forth below:

4 Robert O. Miller & Dena R. Miller
5 PO Box 184
6 Alder, MT 59710-1866

7 To the proposed ownership set forth below:

8 Owners:
9 Alder Triple R LLC
10 386 Park Avenue South, 20th Floor
11 New York, NY 10016

12 Robert O. Miller & Dena R. Miller
13 PO Box 184
14 Alder, MT 59710-1866

15 Miller Cattle Co
16 PO Box 184
17 Alder, MT 59710-1866

18 John D. & W. Judy Brendel
19 PO Box 107
20 Alder, MT 59710-0107

21 Miller U-O Ranch Inc.
22 Kennewick, WA 59710-0053

23 Ruby River Retreat LLC
24 PO Box 31
25 Cuero, TX 77954-0031

26 **B. Claim 41C 100939-00**

1. Basis & Evidentiary Support for Amendments

Point of Diversion: The original Statement of Claim for 41C 100939-00 was filed for
stock drinking directly from Ruby River and for diversion of water into the Bob Peters Ditch

1 for stock purposes. The location of the point of diversion for the ditch was described as the
2 SESWSE of Section 28 of Township 6 South Range 4 West on the original Statement of
3 Claim form and on the map included with the original filing (Statement of Claim form and
4 accompanying map provided as Appendix F). The claim form and map also included
5 livestock direct from source as a means of diversion, as shown on page 1 of the original
6 claim form. However, the stretch of the Ruby River from which stock drank directly was not
7 claimed as points of diversion and places of use, even though it was a component of the
8 claim designated on the claim form. An affidavit by former owner, Robert O. Miller,
9 confirms the historic practices of livestock drinking from both the Bob Peters Ditch and
10 directly from the Ruby River (Affidavit provided as Appendix B). The claim should be
11 corrected to include the stretch of Ruby River where stock drank directly from the source as
12 points of diversion and places of use.
13

14 The points of diversion that should be on the abstract are listed below in Table 6 and
15 shown on the map provided as Appendix G. The proposed revised abstract is provided as
16 Appendix H.
17

18 Place of Use: On the original Statement of Claim form the claimant claimed the place
19 of use as the W2W2 of Section 21 and the E2 of Section 20 of Township 6 South Range 4
20 West. As described above, the Bob Peters Ditch, claimed for stock water purposes under the
21 original 41C 100939-00 Statement of Claim filing, originates in the SESWSE of Section 28 of
22 Township 6 South Range 4 West and flows generally north through the claimant's property.
23 The entire stretch of ditch on the claimant's property has been historically, and is currently,
24 used for stock water purposes. The stretch of the Ruby River that ran through the claimant's
25 property should be added to the place of use. The place of use legal land descriptions that
26

1 should be on the abstract are listed below in Table 8 and shown on the map provided as
2 Appendix G. The proposed revised abstract is provided as Appendix H.

3 **Ownership:** Since the claim was filed in 1982, the former Max O. Miller / Miller Cattle
4 Co. property shown on Appendix G was split into multiple parcels and conveyed to different
5 owners. The chain of title is provided as Appendix E. None of the prior conveyances reserved
6 41C 100939-00 and thus the appurtenant portions of 41C 100939-00 conveyed to each owner
7 of the split parcels. 41C 100939-00 ownership was not correctly updated with each property
8 split and transfer. Therefore, in accordance with the proposed place of use amendments, the
9 ownership should be corrected to reflect each owner within the place of use. The proposed
10 ownership is listed below and shown on the map provided as Appendix G. The proposed
11 revised abstract is provided as Appendix H.
12

13 2. Proposed Amendments

14 **Point of Diversion:**

15 The point of diversion should be corrected from the current points of diversion on the
16 abstract set forth in the following Table 5:
17

18 **Table 5: 41C 100939-00 Current Point of Diversion on Abstract**

19 ID	Gov't Lot	Qtr Sec	Sec	Twp	Rge	County
20 1		SESWSE	28	6S	4W	Madison

21 To the proposed changes set forth in the following Table 6:

22 **Table 6: 41C 100939-00 Proposed Points of Diversion**

23 ID	Gov't Lot	Qtr Sec	Sec	Twp	Rge	County	Means of Diversion
24 1		SESWSE	28	6S	4W	Madison	Ditch
25 2		NW	21	6S	4W	Madison	Direct from Source
26 3		W2NESW	21	6S	4W	Madison	Direct from Source

Place of Use:

The place of use should be corrected from the current place of use on the abstract set forth in the following Table 7:

Table 7: 41C 100939-00 Current Place of Use on Abstract

ID	Gov't Lot	Qtr Sec	Sec	Twp	Rge	County
1		E2	20	6S	4W	Madison
2		W2W2	21	6S	4W	Madison

To the proposed changes set forth in the following Table 8:

Table 8: 41C 100939-00 Proposed Places of Use

ID	Gov't Lot	Qtr Sec	Sec	Twp	Rge	County
1		E2	20	6S	4W	Madison
2		W2NW	21	6S	4W	Madison
3		W2E2NW	21	6S	4W	Madison
4		W2NESW	21	6S	4W	Madison
5		NWSW	21	6S	4W	Madison

Ownership:

The ownership should be corrected from the current ownership on the abstract set forth below:

Miller Cattle Co
PO Box 184
Alder, MT 59710-1866

To the proposed ownership set forth below:

Alder Triple R LLC
386 Park Avenue South, 20th Floor
New York, NY 10016

Robert O. Miller & Dena R. Miller
PO Box 184
Alder, MT 59710-1866

Miller Cattle Co
PO Box 184
Alder, MT 59710-1866

1 John D. & W. Judy Brendel
2 PO Box 107
3 Alder, MT 59710-0107

4 Ruby River Retreat LLC
5 PO Box 31
6 Cuero, TX 77954-0031

7 **C. Claim 41C 100941-00**

8 **1. Basis & Evidentiary Support for Amendments**

9 41C 100941-00 is for 1.25 cfs diverted from the Ruby River into Phillips Ditches
10 Number 1 & Number 2 for irrigation of 129 acres. On August 14, 2020 a portion of the former
11 Max O. Miller / Miller Cattle Co. property was sold from Miller Cattle Co. to Alder Triple R.
12 A 641 Form was submitted for irrigation claim 41C 100941-00 to reflect the split of the place
13 of use. See enclosed 641 Form provided as Appendix I. This split is still pending at the DNRC,
14 but once implemented through the court, Alder Triple R will own a split portion of 41C
15 100941-00 as shown on the "Buyer's" proposed revised abstract in Appendix I.
16

17 In addition to irrigation use out of Phillips Ditch Number 2, historically cattle also
18 drank from Phillips Ditch Number 2. The original Statement of Claim for 41C 100941-00
19 included excerpts from an Order of the Montana Fifth Judicial District Court in Dauterman v.
20 Gilbert Livestock Co., No. 3089 as an attachment. Within this attachment that was submitted
21 with the claim form in 1982, the Order describes the water use as "watering livestock". See
22 attached claim form and its attachments provided as Appendix J. In addition to this reference
23 in the original claim file, the affidavit of former property owner, Robert O. Miller, supports
24 the historic use of water in Phillips Ditch Number 2 for livestock purposes (Affidavit provided
25 as Appendix B).
26

1 The Water Court has allowed implied claims because “the purpose of the adjudication
2 is not to eradicate claims or to punish claimants confused by a complicated and often
3 intimidating claim filing process[.]” but “to decree rights in accordance with historic use.” Foss
4 v. U. S. Forest Serv., No. 76HF-580, at 22 (Mont. Water Court Order Amending and Partially
5 Adopting Master’s Report As Amended, Jan. 31, 2013). The court has recently applied a three-
6 part test to evaluate if the creation of an implied claim is warranted:

- 7 1. The implied claim must be justified by some evidence in the claim form
8 or the documents attached thereto.
- 9 2. Evidence must exist of actual historical use corroborating the implied
10 claim.
- 11 3. Creating the implied claim should not result in a change to historical
12 water use or increase the historical burden on other water users.

13 (quoting Foss, at 20). Based on the evidence in the claim file and specifically the language in
14 the decree regarding stock use, the former proper owner’s affidavit attesting to historic use,
15 and the fact that the creation of the implied claim will not result in a change to historical water
16 use nor increase burden on other water users, an implied claim should be generated from Alder
17 Triple R’s split portion of 41C 100941-00 to reflect historic stock use from Phillips Ditch
18 Number 2.

19 In the early 1990’s the former property owner changed its point of diversion for claim
20 41C 100941-00 on the west side of the Ruby River from Phillips Ditch Number 2 into the
21 Elser-Finley-Norton Ditch (see map provided as Appendix K). A change application to change
22 the point of diversion for 41C 100941-00 from the headgate of Phillips Ditch Number 2 to the
23 headgate of Elser-Finley-Norton Ditch has not yet been submitted to DNRC. Under the new
24 ownership of Alder Triple R, a change application will be submitted. The change application
25 will change both Alder Triple R’s split portion of 41C 100941-00 and the implied stock claim
26

generated from Alder Triple R's split portion of 41C 100941-00.

The place of use legal land descriptions that should be on the abstract for the implied stock claim from 41C 100941-00 are listed below in Table 9 and shown on the map provided as Appendix K. The proposed revised abstract is provided as Appendix L.

2. Proposed Amendments

Purpose:

An implied stock claim should be created from Alder Triple R's split portion of 41C 100941-00 to reflect the historic stock use.

Place of Use:

The current place of use should be corrected to include the implied stock claim place of use set forth below in Table 9:

Table 9: 41C 100941-00 Proposed Implied Stock Claim Place of Use

ID	Gov't Lot	Qtr Sec	Sec	Twp	Rge	County
1		SENE	20	6S	4W	Madison
2		NENE	20	6S	4W	Madison
3		NWNE	20	6S	4W	Madison
3		W2W2	21	6S	4W	Madison
4		W2E2W2	21	6S	4W	Madison

III. CONCLUSION

For the foregoing reasons, the undersigned respectfully requests the Court to amend water right claims 41C 100938-00 and 41C 100939-00 to reflect the actual historical use of the claims and the correct owners and create an implied stock claim generated from Alder Triple R's split portion of 41C 100941-00.

Dated this 19th day of October 2020.

KARELL DYRE HANEY PLLP

By: Candace L. Kimmet
Candace L. Kimmet

Attorneys for Claimant

VERIFICATION

STATE OF New York)
County of Kings County) ss.

Jeffrey E. Kelter, being first duly sworn upon his oath, deposes and says:

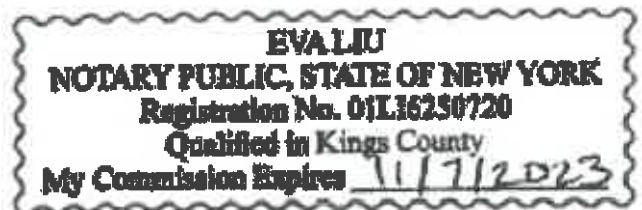
That he is the manager of Alder Triple R LLC, a Montana limited liability company, that he has read the foregoing, and that the same is true to the best of his knowledge information, and belief.

Jeffrey E. Kelter
JEFFREY E. KELTER

Subscribed and sworn to before me this 19 day of October, 2020.

Evalu
Notary Public

(Official Stamp)



Appendix A

Appendix A

**STATEMENT OF CLAIM
FOR EXISTING WATER RIGHTS
STOCK WATER**

For the Water Courts of the State of Montana

RECEIVED

DEC 23 1981

MONTANA D.N.R.C.
BOZEMAN FIELD OFFICE

1. Owner of Water Right

Co-Owner or Other
Interest Owner

Address

City

State

Zip Code

Home Phone No.

Business Phone No.

2. Person completing form

Address

City

State

Zip Code

Home Phone No.

Business Phone No.

3. Use: ☒ Stock water

4. Source of Water: (Check Only One)

☐ Spring

Name

☐ Well

Name

☒ Stream

Name

☐ Lake

Name

Tributary of

☐ Reservoir

Name

Tributary of

Tributary of

Stream

Stream

5. Point of Diversion:

County

NE 1/4

NE 1/4

NW 1/4

Section

28

T

6

N/S, R

4

NW

Lot

Block

Subdivision

6. Means of Diversion, if applicable:

☐ Pump

gallons per day

☐ Gravity Flow

gallons per day

☒ Direct

16650

gallons per day

☒ Other: Explain

ditch

16650

gallons per day

7. Total number of livestock served:

Type:

☐

1100

cattle

☒

10

horses

☐

sheep

☐

goats

☐

other, explain

8. Place of use: County

MADISON

Lot. Block. N 1/4 NW 1/4 Section 21 T 6 N R 4 E/W
Lot. Block. Section T N/S R E/W
Lot. Block. Section T N/S R E/W
Lot. Block. Section T N/S R E/W
Lot. Block. Section T N/S R E/W

Subdivision

9. Flow rate claimed:

98

- ☐ cubic feet per second
☐ gallons per minute
☒ miner's inches

10. Volume claimed:

36

acre-feet per year

11. Period(s) of use:

JAN 1 1 to Dec 31
Month Day Month Day

12. Check one:

- ☒ Decreed Water Right
☐ Filed Appropriation Right
☐ Use Water Right

Priority date or date of first use

APR 1 1866
Month Day Year

13. Attach copies of the Decree, Record of Filing or Proof of Use Right.

14. Attach copies of aerial photographs, U.S. Geological Survey maps or such other documents necessary to show point of diversion, place of use, place of storage, and conveyance facilities.

15. Notarized Statement signed by claimant.

STATE OF MONTANA

County of

Madison

ss.

I, MAX O. MILLER, having been duly sworn, depose and say that I, being of legal age and being the claimant of this claim of existing water right, and the person whose name is signed to it as the claimant, know the contents of this claim and that the matters and things stated there are true and correct.

Max O. Miller

Subscribed and sworn before me, this

32

day of

Dec

1931

Sherry Gristice
Notary Public for the State of Montana

Residing at

Bozeman

My Commission expires

1-15-1934

Topographic map of a region in Israel, showing terrain, roads, and settlements. The map includes a grid with coordinates 1730, 1740, 1750, 1760, 1770, 1780, 1790, 1800, 1810, 1820, 1830, 1840, 1850, 1860, 1870, 1880, 1890, 1900, 1910, 1920, 1930, 1940, 1950, 1960, 1970, 1980, 1990, 2000. The map shows a river, a canal, and several settlements including Stanley, Phillips, Peters, Passamari, and Benon. There are also various roads and trails marked. The map is oriented with North at the top.

5012 5016 5030 5045 5060

Appendix B

Appendix B

AFFIDAVIT OF Robert O. Miller

STATE OF MONTANA)
COUNTY OF Madison) ss:

I, Robert O. Miller, being first duly sworn, deposes and says:

1. I am over the age of 18 years, of sound mind, and have personal knowledge as to the matters attested to herein.
2. I am a farmer and rancher. I own and operate property near Alder in Madison County, Montana.
3. In 1957, my father, Max Miller, purchased property, which included lands within the NE, NESE and the E2NW of Section 20 and the W2 of Section 21 of Township 6 South Range 4 East. The property is shown on the map attached as Exhibit A.
4. Along with my wife Dena, I formed the Miller Cattle Co in 1992. My father's property was transferred to Miller Cattle Co. in the 2003. In April 2001 my father passed away. I have been the President of Miller Cattle Company since 1992.
5. I have been involved with the operation of the property since my father purchased it in 1957. In 1978 I went to work full time for dad. Since that time, I have been responsible for the irrigation on the property and for the management of livestock on the property.
6. Since my family has owned the property, the number of livestock we have run on the property has varied each year. The number of livestock we run on the property, and the length of time they are on the property within any given year depends on both weather conditions and operational decisions across all our properties in the Ruby River valley. Typically, we run 400 cow and calf pairs, 150 yearlings, 20 bulls, and 8 horses on the property. However, we have had up to 600 cattle and 10 horses on the property at one time.
7. Typically, the stock are on the property during the winter months from October to June. However, in some years the stock remain on the property the entire year.
8. The livestock on the property historically drank directly from the Ruby River and from the ditches that run through the property. The River and the ditches that run through the property are shown on the map provided as Exhibit B.
9. During my family's ownership and management of the property, we have diverted water into the Elser-Finley-Norton Ditch on a year-round basis for livestock water. Livestock drink water from this ditch at all times of the year.

{H-Work/66107/001/MISC/00317833.DOCX//RKM}

10. During my family's ownership and management of the property, the West Bench Canal remaining open until approximately December 1 for livestock water.

11. The other ditches that are shown on Exhibit B, provide water for livestock from early April to early December depending on the year.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

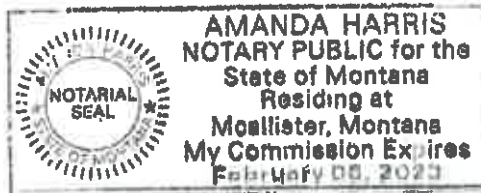
DATED this 14 day of August, 2020.


Robert O. Miller

Subscribed and Sworn to before me this 14 day of AUGUST, 2020.

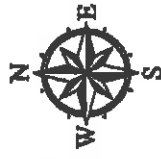
(SEAL)


Notary Public for the State of Montana



Ruby River Ranch

Madison County, MT



 Subject Property
 Cadastral Current Property Ownership

Miller Cattle Co.
 Miller Cattle Company
 Robert O. & Dena R. Miller

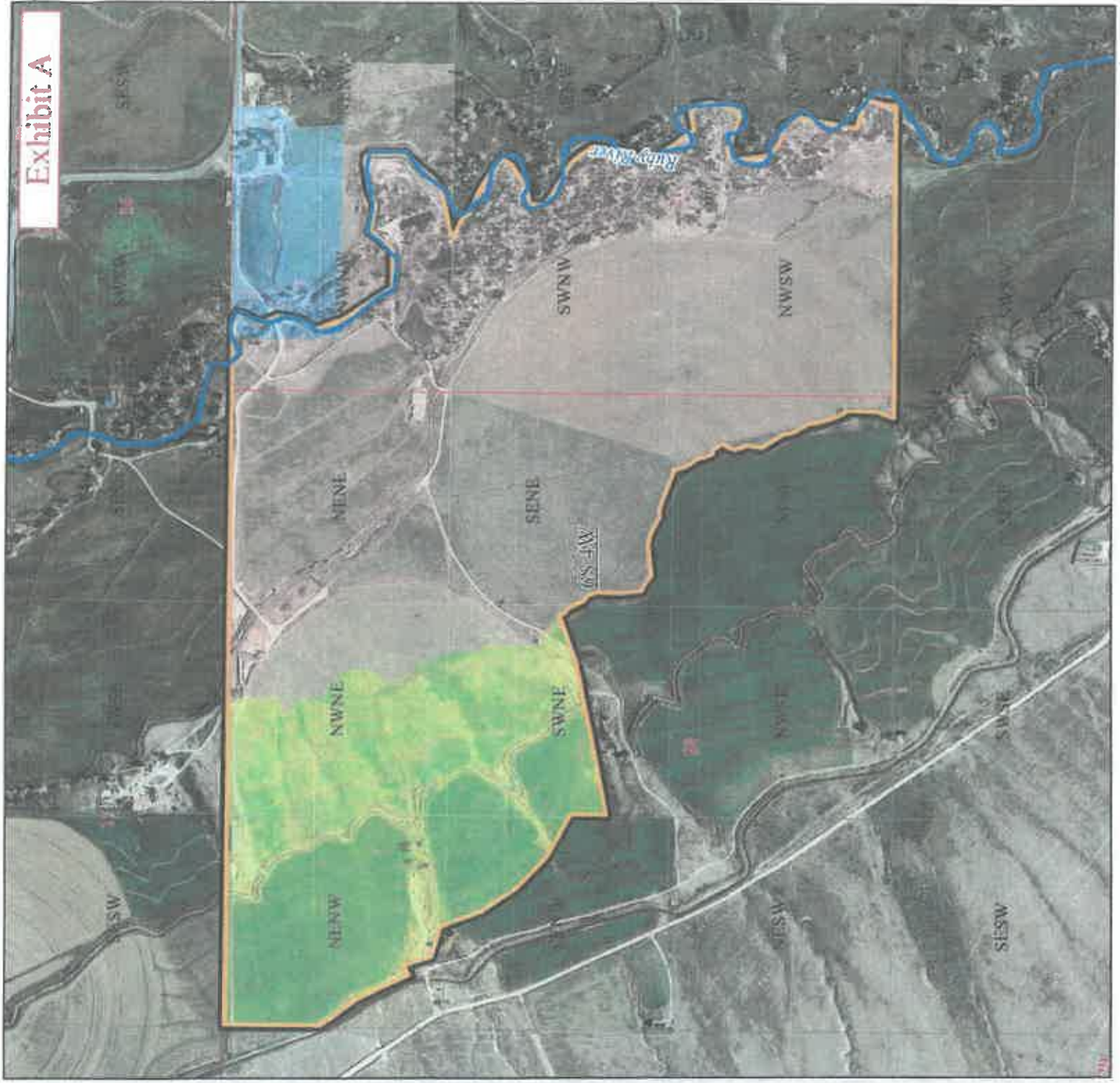
Created 07/07/2020
 Aerial Imagery: 10/15/2017 NAIP



0 0.125 0.25
 Miles

This map is for illustrative purposes only and does not guarantee the accuracy of delineated boundaries.

Exhibit A



Ruby River Ranch

Madison County, MT



Ditches Overview



Subject Property

Ditches*

— Bob Peters Ditch

— Coby-Goddard-Moore-Long Ditch
(Abandoned)

— Elser-Finley-Norton Ditch

— Passamari Ditch

— Phillips Ditch #1

— Phillips Ditch #2 (Abandoned)

— West Bench Canal

* Ditches are based on Water Resource Survey GIS data and refined based on current aerial imagery and conversation with Rob Miller on 6/29/2020.

Created 07/16/2020

Aerial Imagery: 10/15/2017 NAIP

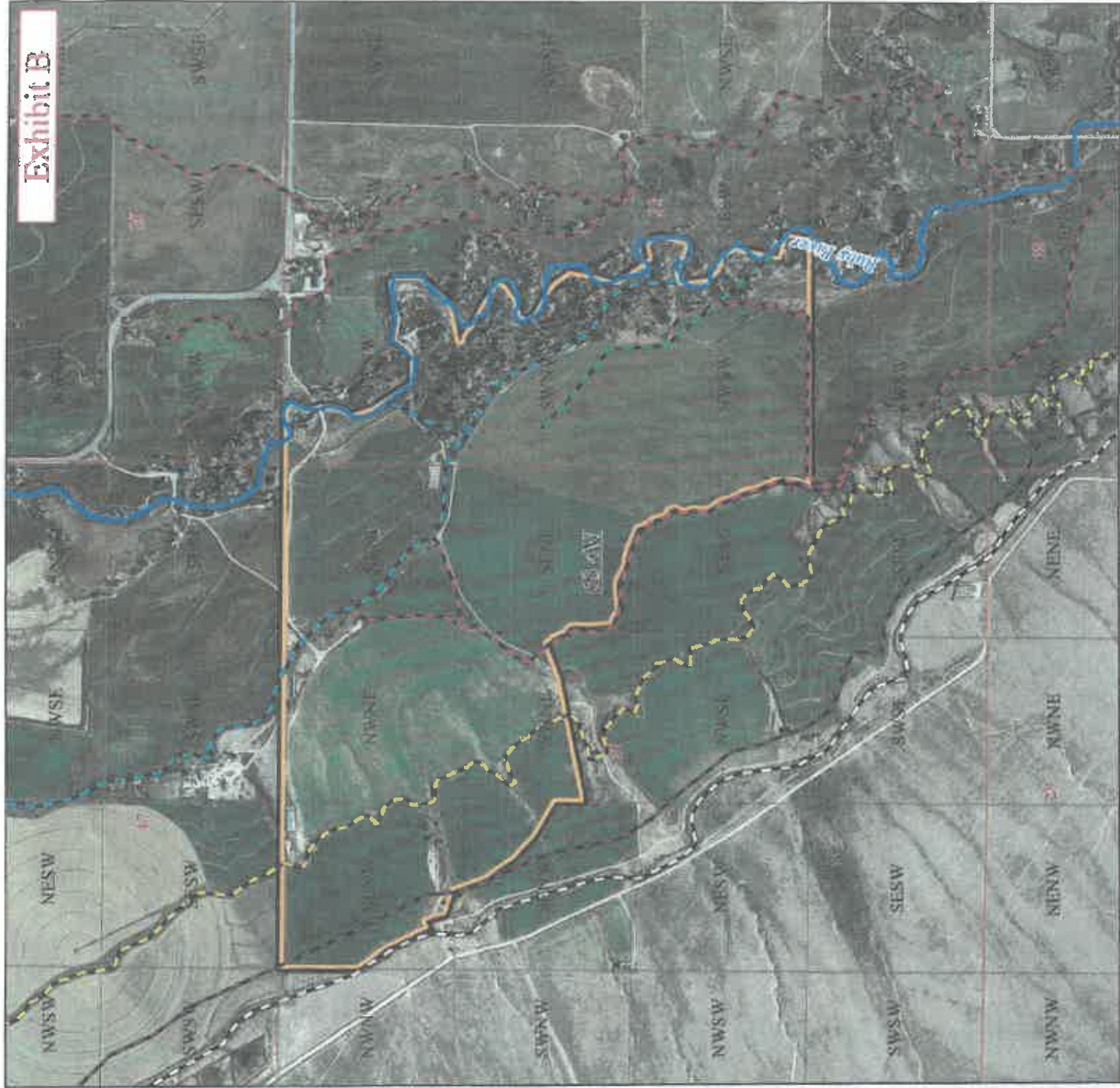


NATURAL RESOURCES

0 0.175 0.35 Miles

This map is for illustrative purposes only and does not guarantee the accuracy of delineated boundaries.

Exhibit B



Appendix C

Alder Triple R LLC

Madison County, MT



41C 100938 00

Motion to Amend

 Former Max Miller / Miller Cattle Co. Property

Current Property Ownership

 Alder Triple R LLC

 Robert O. & Dena R. Miller

 Miller Cattle Co.

 John D. & W. Judy Brendel

 Miller U-O Ranch Inc.

 Ruby River Retreat LLC

 Phillips Ditch No. 1

PODs & POU's

 Diversionary POD

 Diversionary POU

 Direct from Source POD & POU



Created 09/17/2020

Aerial Imagery:

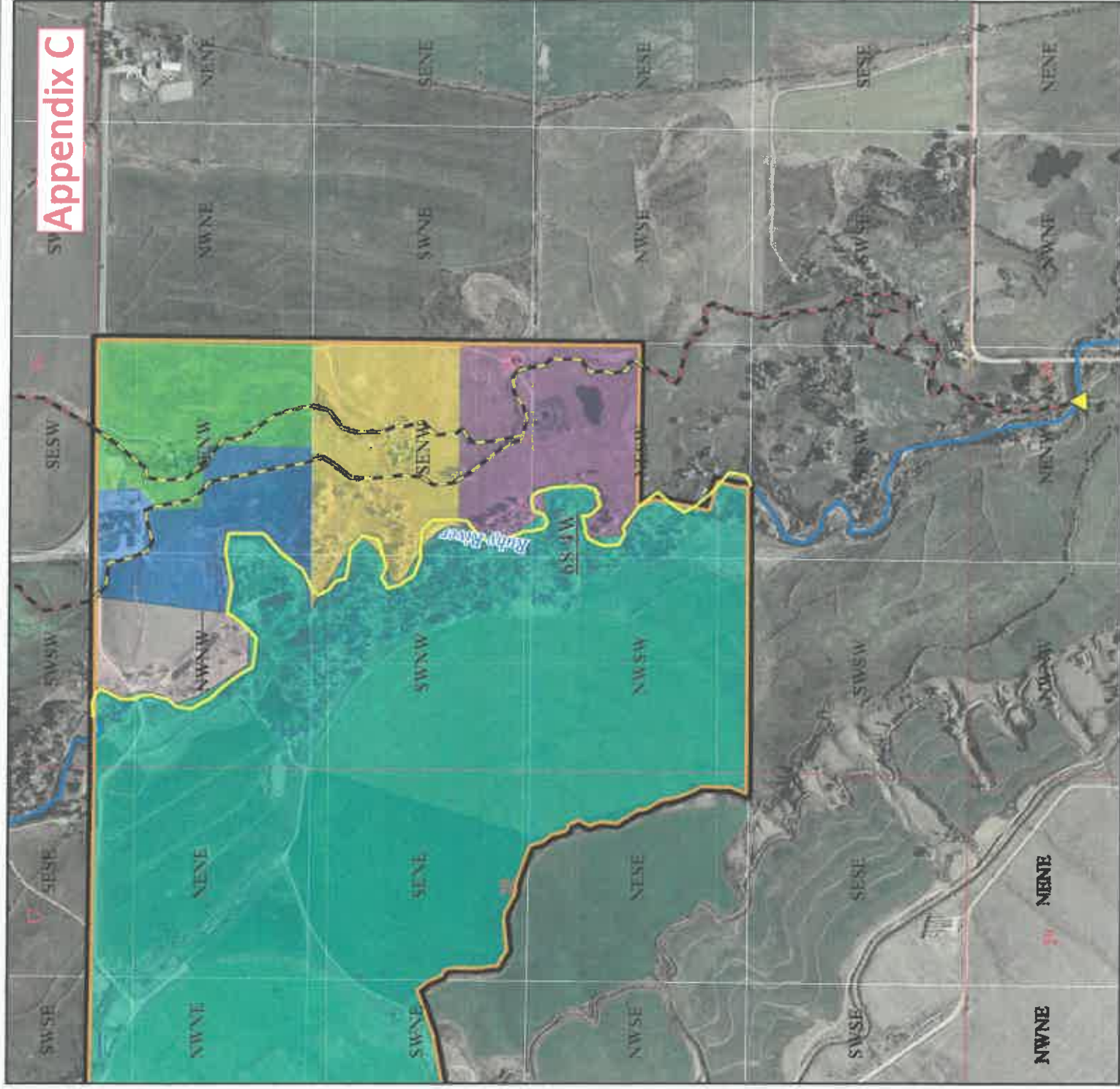
10/15/2017 NAIP

0 0.125 0.25

Miles

This map is for illustrative purposes only and does not guarantee the accuracy of delineated boundaries.

Appendix C



Appendix D

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201801 HELENA, MONTANA 59620-1801

GENERAL ABSTRACT

Water Right Number: 41C 100938-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners:

ROBERT O MILLER
PO BOX 184
ALDER, MT 59710-0184

DENA R MILLER
PO BOX 184
ALDER, MT 59710-0184

Additional Owners to be added:

Alder Triple R LLC
386 Park Avenue South, 20th Floor
New York, NY 10016
Miller U-O Ranch Inc.
Kernowick, WA 99710-0053

John D. & W. Judy Brendel
PO Box 107
Alder, MT 59710-0107

Ruby River Retreat LLC
PO Box 31
Cuero, TX 77954-0031

Miller Cattle Co.
PO Box 184
Alder, MT 59710-1866

Priority Date: APRIL 30, 1866

Enforceable Priority Date: APRIL 30, 1866

Type of Historical Right: DECREED

Purpose (use): STOCK

Maximum Flow Rate:

NO FLOW RATE HAS BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM.

Maximum Volume:

THIS WATER RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: RUBY RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion: See additional PODs to be added below.

ID	Govt Lot	Qtr	Sec	Twp	Rge	County
1		NENENW	28	6S	4W	MADISON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DITCH

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use: See correct POUs below.

ID	Acres	Govt Lot	Qtr	Sec	Twp	Rge	County
1			N2NW	21	6S	4W	MADISON

Geocodes/Valid: 25-0420-20-1-01-02-0000 - Y

25-0420-21-2-01-02-0000 - Y

25-0420-21-2-01-10-0000 - Y

Remarks:

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 12214 RECEIVED 01/06/2004.

OWNERSHIP UPDATE TYPE 608 # 17460 RECEIVED 08/03/2004.

Additional Points of Diversion and Means of Diversion:

ID	Govt Lot	Qtr	Sec	Twp	Rge	County
2		NW	21	6S	4W	MADISON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: Direct from Source

3		W2NESW	21	6S	4W	MADISON
---	--	--------	----	----	----	---------

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: Direct from Source

Proposed Revised Abstract

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NW	21	6S	4W	MADISON
2			N2NESW	21	6S	4W	MADISON
3			SWNESW	21	6S	4W	MADISON

Appendix E

WARRANTY DEED

THIS INDENTURE, made the 7 day of February, 1997, between MILLER CATTLE CO., whose post office address is P.O. Box 184, Alder, Montana 59710, the GRANTOR, and JOHN D. BRENDEN and W. JUDY BRENDEN, husband and wife, whose post office address is 10525 S. Hoyne Avenue, Chicago, Illinois 60643, the GRANTEES, WITNESSETH:

That the said GRANTOR, for and in consideration of the sum of Ten (\$10.00) Dollars, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, convey, warrant and confirm unto the said GRANTEES, as joint tenants with the right of survivorship and not as tenants in common, and to their heirs and assigns, forever, all of the following described property, situated in Madison, State of Montana, to-wit:

Lot 1 of the Miller No. 1 Minor Subdivision, according to the official plat thereof, filed in Book 4 of Plats, page 343, records of Madison County, Montana, which said subdivision is situated in the NW 1/4 and SW 1/4 of Section 21, Township 6 South, Range 4 West, PMM.

TOGETHER WITH the following waters and water right, to-wit:

A portion of Water Right Number 41C-W-100944-00 to be used for irrigation purposes on the property described herein. The flow rate of the water right transferred herewith is .375 cubic feet per second (cfs), the point of diversion is the South West Quarter of the North East Quarter of the South West Quarter (SW¹/₄NE¹/₄SW¹/₄) of Section Twenty-One (21), Township 6 North, Range 4 West, Madison County, Montana.

And any and all other water and water rights, ditches and ditch rights appurtenant to the above described property and the right to access the storage for said water rights.

SUBJECT TO a sixty foot (60') access and utility easement shown as Miller Lane on PLAT OF MILLER NO. 1 MINOR SUBDIVISION filed for record on February 5, 1997, 1996, in Book 4 of Plats, Page 343, Madison County, Montana, and subject, further to any and all other utility, emergency access easements and riparian easements specifically identified on SAID MINOR SUBDIVISION PLAT and the Declaration of Covenants, Conditions and Restrictions to Miller No. 1 Minor Subdivision, dated February 5, 1997, together with any and all easements and rights-of-way of record or visually discernible upon the property and any and all covenants, conditions, restrictions and reservations in any government patent or prior conveyance or other document affecting the said property.

TOGETHER with all tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversions, remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the said GRANTEES, and to their heirs and assigns forever.

And the said GRANTOR hereby warrants and agrees to defend all right, title and interest in and to said property, and the quiet and peaceful possession thereof, unto the GRANTEES, and to their heirs and assigns, forever, against all acts of said GRANTOR and any and all persons who may lawfully claim the same.

IN WITNESS WHEREOF, the said GRANTOR has caused these presents to be executed by its duly authorized officer the day and year first above written.

MILLER CATTLE CO.

By Rob Miller aka Rob Miller
ROB MILLER, President

STATE OF MONTANA

County of Silver Bow

) ss.

On this 3 day of February, 1997, before me, a Notary Public for the State of Montana, personally appeared Rob Miller, known to me to be the President of the corporation that executed the within instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate above written.

Will J. [Signature]
Notary Public for the State of Montana
Residing at Butte
My commission expires 8-1-99



AFTER RECORDING RETURN TO:

William M. Kebe
Corette Pohlman & Kebe
P.O. Box 509
Butte, Montana 59703

Filed for record on the 11th day of FEBRUARY, A.D. 1997
12:01 o'clock P. M. and recorded in Book 405 RECORDS
Page 920 - 921 Record of Silver Bow County, Montana.

by PEGGY KAATZ

PEGGY KAATZ, County Recorder

Deputy

Fee \$12.00

Return to MADISON COUNTY TITLE CO

WARRANTY DEED

THIS INDENTURE, made the 30th day of June, 1998, between MILLER CATTLE COMPANY, a Montana corporation, whose principal place of business is Alder, Montana, 59710, Grantor, and JEFFERSON P. CROY and JENNIFER H. CROY, husband and wife, of 2867 200th SW, Edmonds, WA 98026, Grantees,

WITNESSETH:

That the said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, convey, warrant, and confirm unto the said Grantees, as joint tenants with right of survivorship, and to their successors and assigns, forever, all of the following-described property, situated in the County of Madison, State of Montana, to-wit:

A tract of land situated in the NW 1/4 and SW 1/4 of Section 21, Township 6 South, Range 4 West, P.M.M., more particularly shown and described as Lot 2 of Plat filed in Book 4 of Plats, page 303, records of Madison County, Montana.

TOGETHER WITH the following waters and water right, to-wit:

A portion of Water Right Number 41C-W-100944-00 to be used for irrigation purposes on the property described herein. The flow rate of the water right transferred herewith is .375 cubic feet per second (cfs), the point of diversion is the South West Quarter of the North East Quarter of the South West Quarter (SW 1/4, NE 1/4, SW 1/4) of Section Twenty-One (21), Township 6 North, Range 4 West, Madison County, Montana.

MA98315 JK9

And any and all other water and water rights, ditches, and ditch rights appurtenant to the above-described property and the right to access the storage for said water rights.

SUBJECT TO a sixty foot (60') access and utility easement shown as Miller Lane on Certificate of Survey filed for record in Book 4 of Plats, Page 303, Madison County, Montana; and subject, further to any and all other utility, emergency access easements, and riparian easements specifically identified on Certificate of Survey and the Declaration of Covenants, Conditions and Restrictions to Miller No. 1 Minor Subdivision, dated February 4, 1997, and recorded February 5, 1997, at Book 405, page 808, of the Madison County Records, together with any and all easements and rights-of-way of record or visually discernible upon the property and any and all covenants, conditions, restrictions, and reservations in any government patent or prior conveyance or other document affecting the said property.

SUBJECT TO the terms, conditions and restrictions contained in the Road Maintenance Declaration for Miller No. 1 Minor Subdivision dated February 5, 1997, and filed February 5, 1997, at Book 405, page 813 of the Madison County Records.

TOGETHER WITH the right on ingress and egress over Miller Lane as the same courses over and across the E 1/2 NE 1/4 NW 1/4 of Section 21, Township 6 South, Range 4 West, P.M.M., and Lot 1 of the Plat of Miller No. 1 Minor Subdivision (and the emergency access road as shown on the Certificate of Survey), as shown on said Plat 4, page 303, records of Madison County, Montana.

TOGETHER with all tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainders, rents, issues, and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the said Grantee, as joint tenants with right of survivorship and their successors and assigns, forever.

And the said Grantor hereby warrants and agrees to defend all right, title, and interest in and to said property, and the quiet and peaceful possession thereof, unto the Grantees, and to their successors and assigns, forever, against all acts of said Grantor and any and all persons who may lawfully claim the same.

IN WITNESS WHEREOF, this instrument is executed the day and year first above written.

MILLER CATTLE COMPANY

By [Signature]
Its President

GRANTOR

STATE OF MONTANA)
 : ss.
County of Madison)

On this 30th day of June, 1998, before me the undersigned, a notary public for the State of Montana of personally appeared ROBERT MILLS, known to me to be the President of MILLER CATTLE COMPANY, the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first above written.

[Signature]
Notary Public for State of Montana
Residing at Bullhead
My commission expires 8-1-99

Filed for record on the 30th day of
JUNE A.D. 19 98 at 1:35
Charles P. M. and recorded in Volume 420
of RECORDS on Page 575-577
Filed in the County of Montana
By [Signature] Recorder
Fee \$ 18.00 Return to MADISON COUNTY TITLE CO.
CITY



INDEXED
FILED

WARRANTY DEED

BOOK 448 PAGE 114

THIS INDENTURE, made the 3rd day of January, 2000, between MILLER CATTLE COMPANY whose address is South of Alder, Alder, MT, 59759, the Grantor, and MILLER U--O RANCH, INC., whose address is c/o Patricia Miller, P.O. Box 90, Alder, MT 59710.

That the said Grantor, for and in consideration of the sum of Ten (\$10.00) Dollars, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, convey, warrant and confirm unto the said Grantee, and to their heirs and assigns, forever, all of the following described property situated in Madison County, State of Montana, to-wit:

See Exhibit "A"

Together with all the tenements, hereditaments, and appurtenances thereto belonging, and the reversions and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest, property, possession, claim and demand whatsoever as well in law as in equity, of the said Grantor of, in or to the said premises and every part and parcel thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the said Grantee, and to their heirs and assigns, forever.

And the said Grantor hereby warrants and agrees to defend all right, title and interest in and to said property, and the quiet and peaceful possession thereof, unto the Grantee, and to their heirs and assigns, forever, against all acts of said Grantor and any and all persons who may lawfully claim the same.

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal the day and year first above written.

MILLER CATTLE COMPANY

By Robert O. Miller
Its President.

STATE OF MONTANA)
) ss.
County of Silver Bow)

On this 3rd day of January, 2000, before me, a Notary Public for the State of Montana, personally appeared ROBERT O. MILLER, known to me to be the President of MILLER CATTLE COMPANY, whose name is subscribed to the within instrument, and acknowledged to me that said company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate above written.



Robert O. Miller
Notary Public for the State of Montana
Residing at Butte-Silver Bow
My commission expires 6-1-2003

EXHIBIT "A"

~~E~~~~NE~~~~NW~~ and the Southeast diagonal half of
~~NW~~~~NE~~~~NW~~, Section 21, T6S R4W, P.M., as
previously conveyed in BK 300, Page 908,
records of Madison County

BOOK 485 PAGE 515

ABOVE SPACE FOR RECORDING USE

WARRANTY DEED

FOR A VALUABLE CONSIDERATION, the receipt of which is acknowledged, the undersigned, JEFFERSON P. CROY and JENNIFER H. CROY, of 169 Tano Road, Santa Fe, New Mexico 87501, do hereby grant, bargain, sell, and convey unto RUBY RIVER RETREAT, LLC, of 4302 Orchard Chase Court, Katy TX 77450, real property in Madison County, Montana, described as follows:

A tract of land situated in the NW1/4 and SW1/4 of Section 21, Township 8 South, Range 4 West, P.M.M., more particularly shown and described as Lot 2 of Miller No. 1 Minor Subdivision according to Plat filed in Book 4 of Plats, page 303, Records of Madison County, Montana,

TOGETHER WITH Miller Lane as the same courses over and across the E1/2NE1/4 NW1/4 of Section 21, Township 8 South, Range 4 West, P.M.M., and Lot 1 of the Plat of Miller No. 1 Minor Subdivision, as shown on said Plat 4, page 303, records Of Madison County, Montana.

TOGETHER WITH the improvements, tenements, hereditaments, and appurtenances thereto including all appurtenant water rights owned by Grantor including any reservoir, ditch or canal company shares as applicable;

TO HAVE AND TO HOLD unto the Grantee, and to its heirs and assigns, forever,

SUBJECT TO THE FOLLOWING:

- a) Reservations of record and road maintenance declarations of record.
- b) Reservations and exceptions in patents from the United States or the State of Montana.
- c) Visible easements, easements of record and as delineated on plat, and rights of way.
- d) All building, use, zoning, sanitary and environmental restrictions, covenants and any amendments thereto.
- e) Rights of the State of Montana, the United States of America, and the public in and over the waters and present or past bed or banks of the Ruby River to the ordinary high water mark.
- f) Any claims due to loss or gain in said Ruby River.
- g) Taxes and assessments for 2003 and subsequent years.

EXCEPT with reference to the items referred to in paragraphs (a) to (g) inclusive, this deed is given with the usual covenants expressed in Mont. Code Ann. Section 30-11-110.

Dated April 29, 2003.

[Signature]
JEFFERSON P. CROY

[Signature]
JENNIFER H. CROY

STATE OF NEW MEXICO
County of Santa Fe; ss.

This instrument was acknowledged before me on (date) April 29, 2003
by JEFFERSON P. CROY and JENNIFER H. CROY.

[Signature]
Notary Public for the State of NM
Residing at: 121 W. Palace Ave
My Commission expires: 7-26-03 2003



WARRANTY DEED

BOOK 513, PAGE 525

THIS INDENTURE, made the 12th day of March, 2004, between Miller Cattle Co., whose post office address is Box 184, Alder, Montana 59710, the GRANTOR, and Robert O. Miller and Dena R. Miller, whose post office address is Box 184, Alder, Montana 59710, as joint tenants with right of survivorship and not as tenants in common, the GRANTEES,

WITNESSETH:

That the said GRANTOR, for and in consideration of the sum of Ten (\$10.00) Dollars, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, convey warrant and confirm unto the said GRANTEES, and to their assigns, and to the heirs of the survivor of said GRANTEES, forever, all of the following described property, situated in Madison County, State of Montana, to-wit:

A tract of land consisting of 20.23 acres located in the N1/2 of the N1/4 of Section 21, Township 6 South, Range 4 West, P.M.M., more particularly described as Tract 3B of the Certificate of Survey recorded in book 7 of Surveys, page 1661BA, on file and of record in the office of the Clerk and Recorder of Madison County, Montana.

TOGETHER with all tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversions, remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the said GRANTEES, and to their assigns, and to the heirs of the survivor of said GRANTEES, forever.

And the said GRANTOR hereby warrants and agrees to defend all right, title and interest in and to said property, and the quiet and peaceful possession thereof, unto the GRANTEES, and to their assigns, and to the heirs of the survivor of said GRANTEES, forever, against all acts of said GRANTOR and any and all persons who may lawfully claim the same.

IN WITNESS WHEREOF, the said GRANTOR has caused these presents to be executed by its duly authorized officer the day and year first above written.

Miller Cattle Co.

By: 

Robert O. Miller

STATE OF MONTANA)
 : ss
County of Silver Bow)

On this 12th day of March, 2004, before me, a Notary Public for the State of Montana, personally appeared Robert O. Miller, known to me to be the President of Miller Cattle Co., whose name is subscribed to the within instrument, and acknowledges to me that he person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same on behalf of the corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
Notarial Seal the day and year first above written.



William M. Kebe, Jr.
William M. Kebe, Jr.
Notary Public for State of Montana
Residing at Butte, MT
My commission expires: 08/01/2007

AFTER RECORDING RETURN TO:

William M. Kebe, Jr.
Corette Pohlman & Kebe
P.O. Box 509
Butte, Montana 59703

S:\CORPORATIONS\6629 Miller Cattle Company\Notaryby Deed.doc

After recording, return to:

Robert O. Miller
Dena R. Miller
P.O. Box 184
Alder, MT 59710



Doc #: 100792 Pages: 2 Book: Page:

STATE OF MONTANA MADISON COUNTY

Recorded 8/3/2020 9:20 AM KOL: DEED

Kathleen Humma, CLERK & RECORDER

Fee: \$ 14.00

BY: Adrian Elsen, Deputy
To: MILLER, PO BOX 184, ALDER MT 59710

QUITCLAIM DEED

THIS QUITCLAIM DEED is made by and between Miller Cattle Co., a Montana corporation of P.O. Box 184, Alder, MT 59710, Grantor, and Robert O. Miller and Dena R. Miller, as joint tenants with rights of survivorship, of P.O. Box 184, Alder, MT 59710, Grantees.

WITNESSETH: For valuable consideration, the Grantor does hereby convey, remise, release and forever quitclaim unto the Grantees and their heirs, successors and assigns forever, all right, title and interest in and to the following described real property, situated in Madison County, State of Montana, to-wit:

A tract of land located in the NW1/4 of Section 21, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described as Tract 3B-3 on Certificate of Survey filed in Book 7 of Surveys, page 2560 -BA, records of Madison County, Montana.

TOGETHER with all the improvements, tenements, hereditaments and appurtenances thereto belonging or in any way appertaining, RESERVING, however, unto Grantor those portions of water right claim numbers 41C 100941-00 and 41C 100944-00 that irrigates the remainder of Parcel 1B of Certificate of Survey 7/1661-BA reconfigured into Tract 6B of Certificate of Survey filed in Book 7 of Surveys, page 2560 -BA and Parcel 3B-2 of Certificate of Survey 7/2385-BA reconfigured into Tract 1B-2 of Certificate of Survey filed in Book 7 of Surveys, page 2560 -BA not conveyed to Grantee, specifically 41.46 acres.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto said Grantees and to their heirs, successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal this 30th day of July, 2020.

[Signatures Follow Immediately]

GRANTOR:
Miller Cattle Co., a Montana corporation



Robert O. Miller, President

STATE OF MONTANA)
)ss:
COUNTY OF Madison)

This instrument was acknowledged before me on the 30 day of July, 2020, by Robert O. Miller in his capacity as President of Miller Cattle Co., a Montana corporation, Grantor.

(seal)





Notary Public for State of Montana

After recording, return to:

Miller Cattle Co.
P.O. Box 184
Alder, MT 59710



Doc #: 100702 Pages: 2 Book: Page:
STATE OF MONTANA MADISON COUNTY
Recorded 8/3/2020 9:20 AM KOT: DEED
Kathleen Humma, CLERK & RECORDER
Fee: \$ 14.00 BY: Alicia Elsen, Deputy
To: MILLER, PO BOX 184, ALDER MT 59710

QUITCLAIM DEED

THIS QUITCLAIM DEED is made by and between Robert O. Miller and Dena R. Miller, of P.O. Box 184, Alder, MT 59710, Grantors, and Miller Cattle Co., a Montana corporation, of P.O. Box 184, Alder, MT 59710, Grantee.

WITNESSETH: For valuable consideration, the Grantors do hereby convey, remise, release and forever quitclaim unto the Grantee and its successors and assigns forever, all right, title and interest in and to the following described real property, situated in Madison County, State of Montana, to-wit:

A tract of land located in the NE1/4 of Section 20 and the NW1/4 of Section 21, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described as Tract 6B on Certificate of Survey filed in Book 7 of Surveys, page 2560 -BA, records of Madison County, Montana.

A tract of land located in the NW1/4 of Section 21, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described as Tract 1B-2 on Certificate of Survey filed in Book 7 of Surveys, page 2560 -BA, records of Madison County, Montana.


TOGETHER with all the improvements, tenements, hereditaments and appurtenances thereto belonging or in any way appertaining, RESERVING, however, unto Grantor those portions of water right claim numbers 41C 100941-00 and 41C 100944-00 that irrigates the remainder of Parcel 3B-2 of Certificate of Survey 7/2385-BA reconfigured into Tract 3B-3 of Certificate of Survey filed in Book 7 of Surveys, page 2560-BA, not conveyed to Grantee, specifically 16.49 acres.


TO HAVE AND TO HOLD the said premises, with its appurtenances unto said Grantee and to its successors and assigns forever.

IN WITNESS WHEREOF, the Grantors have hereunto set their hand and seal this 30th day of July, 2020.

[Signatures Follow Immediately]

GRANTORS:

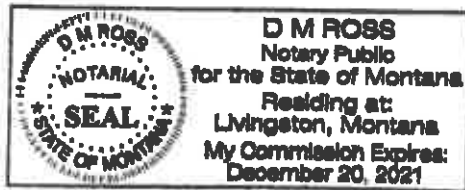

Robert O. Miller


Dena R. Miller

STATE OF MONTANA }
COUNTY OF Madison }ss:

This instrument was acknowledged before me on the 30 day of July, 2020, by Robert O. Miller and Dena R. Miller, Grantors.

(seal)




Notary Public for State of Montana

After recording, return to:

Robert O. Miller
Dena R. Miller
P.O. Box 184
Alder, MT 59710



Doc #: 191075 eRecorded Pages: 2 Book Page:
STATE OF MONTANA MADISON COUNTY
Recorded 8/14/2020 4:05 PM KOI: DEED
Kathleen Mumma, CLERK & RECORDER
Fee: \$ 14.00 BY: *Kathleen Mumma*
To: First American Title Company - Enn, 122 S 1st St., Ennis MT 59729

906171 @

CORRECTION QUITCLAIM DEED

THIS CORRECTION QUITCLAIM DEED is made to remove the reservation of water rights language set forth in that certain Quitclaim Deed dated July 30, 2020 and recorded on August 3, 2020 as Document No. 190792, records of Madison County, Montana.

THIS QUITCLAIM DEED is made by and between Miller Cattle Co., a Montana corporation of P.O. Box 184, Alder, MT 59710, Grantor, and Robert O. Miller and Dena R. Miller, as joint tenants with rights of survivorship, of P.O. Box 184, Alder, MT 59710, Grantees.

WITNESSETH: For valuable consideration, the Grantor does hereby convey, remise, release and forever quitclaim unto the Grantees and their heirs, successors and assigns forever, all right, title and interest in and to the following described real property, situated in Madison County, State of Montana, to-wit:

A tract of land located in the NW1/4 of Section 21, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described as Tract 3B-3 on Certificate of Survey filed in Book 7 of Surveys, page 2560-BA, records of Madison County, Montana.

TOGETHER with all the improvements, tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto said Grantees and to their heirs, successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal this 14 day of August, 2020.

[Signatures Follow Immediately]

GRANTOR:
Miller Cattle Co., a Montana corporation

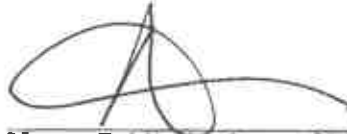


Robert O. Miller, President

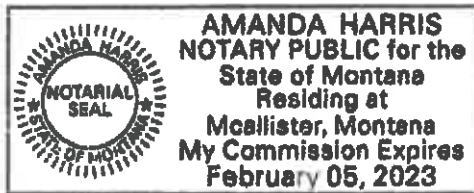
STATE OF MONTANA)
COUNTY OF MADISON :SS
)

This instrument was acknowledged before me on the 14 day of August, 2020, by Robert O. Miller in his capacity as President of Miller Cattle Co., a Montana corporation, Grantor.

(seal)



Notary Public for State of Montana



After recording, return to:

Miller Cattle Co.
P.O. Box 184
Alder, MT 59710



Doc #: 191074 eRecorded Pages: 2 Book: Page:
STATE OF MONTANA MADISON COUNTY
Recorded 8/14/2020 4:05 PM K01: DEED
Kathleen Mumma, CLERK & RECORDER
Fee: \$ 14.00 BY: *Kathleen Mumma*
To: First American Title Company - Enn, 122 S 1st St., Ennis MT 59729

906171 ①

CORRECTION QUITCLAIM DEED

THIS CORRECTION QUITCLAIM DEED is made to remove the reservation of water rights language set forth in that certain Quitclaim Deed dated July 30, 2020 and recorded on August 3, 2020 as Document No. 190793, records of Madison County, Montana.

THIS QUITCLAIM DEED is made by and between Robert O. Miller and Dena R. Miller, of P.O. Box 184, Alder, MT 59710, Grantors, and Miller Cattle Co., a Montana corporation, of P.O. Box 184, Alder, MT 59710, Grantee.

WITNESSETH: For valuable consideration, the Grantors do hereby convey, remise, release and forever quitclaim unto the Grantee and its successors and assigns forever, all right, title and interest in and to the following described real property, situated in Madison County, State of Montana, to-wit:

A tract of land located in the NE1/4 of Section 20 and the NW1/4 of Section 21, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described as Tract 6B on Certificate of Survey filed in Book 7 of Surveys, page 2560-BA, records of Madison County, Montana.

A tract of land located in the NW1/4 of Section 21, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described as Tract 1B-2 on Certificate of Survey filed in Book 7 of Surveys, page 2560-BA, records of Madison County, Montana.

TOGETHER with all the improvements, tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.


TO HAVE AND TO HOLD the said premises, with its appurtenances unto said Grantee and to its successors and assigns forever.

H IN WITNESS WHEREOF, the Grantors have hereunto set their hand and seal this day of August, 2020.

[Signatures Follow Immediately]

GRANTORS:



Robert O. Miller

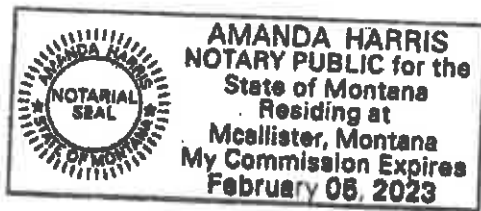

Dena R. Miller

STATE OF MONTANA)
COUNTY OF MADISON :SS

This instrument was acknowledged before me on the 14 day of August, 2020, by Robert O. Miller and Dena R. Miller, Grantors.

(seal)


Notary Public for State of Montana



After recording, return to:

First American Title Company
122 S. 1st Street
P.O. Box 899
Ennis, MT 59729



Doc #: 191079 eRecorded Pages: 2 Book: Page:
STATE OF MONTANA MADISON COUNTY
Recorded 8/14/2020 4:05 PM KDI: DEED
Kathleen Mumma, CLERK & RECORDER
Fee: \$ 14.00 BY: *Kathleen Mumma*
To: First American Title Company - Enn, 122 S 1st St., Ennis MT 59729

906/71 ⑥

WARRANTY DEED

FOR VALUE RECEIVED, Miller Cattle Co., a Montana corporation, whose address is P.O. Box 184, Alder, MT 59710, Grantor, hereby grants, sells, assigns, transfers, and conveys to Alder Triple R LLC, a Montana limited liability company, whose address is 386 Park Avenue South, 20th Floor, New York, NY 10016, Grantee, in fee simple forever, the real property located in Madison County, Montana, described more particularly as follows (referred to herein as "Property"):

A tract of land located in the NE1/4 of Section 20 and the NW1/4 of Section 21, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described as Tract 6B on Certificate of Survey filed in Book 7 of Surveys, page 2560-BA, records of Madison County, Montana.

A tract of land situated in the E1/2 of Section 20, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described as Tract 2 on Certificate of Survey filed in Book 7 of Surveys, page 1647, records of Madison County, Montana.

A tract of land situated in the SW1/4NW1/4 and the NW1/4SW1/4 of Section 21, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described as Tract 4 on Certificate of Survey filed in Book 7 of Surveys, page 1647, records of Madison County, Montana.

A tract of land situated in the W1/2 of Section 21, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described as Tract 5 on Certificate of Survey filed in Book 7 of Surveys, page 1647, records of Madison County, Montana.

A tract of land situated in the N1/2 of Section 20, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described as Cote B-2 on Certificate of Survey filed in Book 7 of Surveys, page 1935-BA, records of Madison County, Montana.

Lot 1 of Cote Meadows Minor Subdivision located in the N1/2 of Section 20, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described on Book 4 of Plats, page 567, records of Madison County, Montana.

TOGETHER WITH all improvements, rights, privileges, easements, reversions, remainders, rents, royalties, issues, and profits which are appurtenant to or obtained from the Property, including, without limitation, all water, water rights, ditches, ditch rights, timber rights, and minerals, gas, oil and other hydrocarbon rights not reserved or conveyed by Grantor's predecessors in title and pertaining to the Property, and all right, title and interest of the Grantor in and to all roads streets and alleys adjoining or passing through the Property.

SUBJECT TO taxes, levies and assessments for 2020, reservations in federal and state patents, existing easements and rights-of-way apparent from physical examination and inspection of the Property or of record, surveys, covenants, conditions and restrictions of record, mineral and royalty reservations or conveyances of record and oil, gas and mineral leases of record, water, water rights, and ditch rights, for which the Grantor makes no warranties whatsoever, county road rights-of-way not recorded or indexed as a conveyance in the office of the Clerk and Recorder of Madison County, Montana, and federal, state and local laws and regulations affecting the Property, if any.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee and to Grantee's successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except for those stated above, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 14 day of AUGUST, 2020.

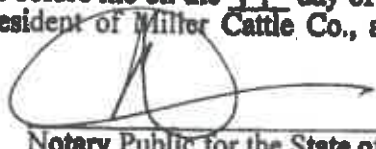
GRANTOR:

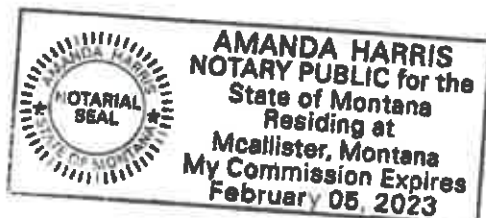
Miller Cattle Co., a Montana corporation

By: 
Robert O. Miller, President

STATE OF MONTANA)
 :SS
COUNTY OF MADISON)

This instrument was acknowledged before me on the 14 day of AUGUST, 2020 by Robert O. Miller, in his capacity as President of Miller Cattle Co., a Montana corporation, Grantor.


Notary Public for the State of Montana



Appendix F

Appendix F

RECEIVED

DEC 23 1981

STATEMENT OF CLAIM
FOR EXISTING WATER RIGHTS

STOCK WATER

For the Water Courts of the State of Montana

MONTANA D.N.R.C.
BOZEMAN FIELD OFFICE

1. Owner of Water Right

MILLER

MAX

O

Last

First

Middle Initial

Co-Owner or Other
Interest Owner

Last

First

Middle Initial

Address

BOX 90

City

HIDER

State

MONT.

Zip Code

59710

Home Phone No.

842-5207

Business Phone No.

842-5207

2. Person completing form

MILLER

MAX

O

Last

First

Middle Initial

Address

BOX 90

City

HIDER

State

MONT.

Zip Code

59710

Home Phone No.

842-5207

Business Phone No.

842-5207

3. Use: ☒ Stock water

BOB PETERS DITCH

4. Source of Water: (Check Only One)

☐ Spring

Name

☐ Well

Name

☒ Stream

Name

RUBY RIVER

Tributary of

BEAVERHEAD R

☐ Lake

Name

Stream

☐ Reservoir

Name

Stream

Tributary of

5. Point of Diversion:

County

MADISON

SE 1/4 SW 1/4 SE 1/4, Section 28

T 6

N 4 R 4

E 1/4

Lot

Block

Subdivision

6. Means of Diversion, if applicable:

☐ Pump

gallons per day

☐ Gravity Flow

gallons per day

☒ Direct

16650

gallons per day

☒ Other:

Explain

BOB PETERS DITCH

16650

gallons per day

7. Total number of livestock served:

1110

Type:

☒

1100

cattle

☒

10

horses

☐

(number)

sheep

☐

(number)

goats

☐

(number)

other, explain

(number)

8. Place of use: County

MADISON

Lot, 350 Block, 1/4 W2 1/4 W Section 21 T 6 N 4 R 4 E W
Lot, 351 Block, 1/4 E Section 20 T 6 N 4 R 4 E W
Lot, 352 Block, 1/4 1/4 1/4 Section T N/S; R E/W
Lot, Block, 1/4 1/4 1/4 Section T N/S; R E/W
Lot, Block, 1/4 1/4 1/4 Section T N/S; R E/W

Subdivision

9. Flow rate claimed: 58 1/3

- ☐ cubic feet per second
☐ gallons per minute
☒ miner's inches

10. Volume claimed: 37 acre-feet per year

11. Period(s) of use: JAN 1 to Dec 131

Month

Day

Month

Day

12. Check one:

- ☒ Decreed Water Right
☐ Filed Appropriation Right
☐ Use Water Right

Priority date or date of first use

Hour

Month

Day

Year

1 MAY 15 1869

13. Attach copies of the Decree, Record of Filing or Proof of Use Right.

14. Attach copies of aerial photographs, U.S. Geological Survey maps or such other documents necessary to show point of diversion, place of use, place of storage, and conveyance facilities.

15. Notarized Statement signed by claimant.

STATE OF MONTANA

County of MADISON

)
:ss.

i, MAX O. MILLER, having been duly sworn, depose and say that I, being of legal age and being the claimant of this claim of existing water right, and the person whose name is signed to it as the claimant, know the contents of this claim and that the matters and things stated there are true and correct.

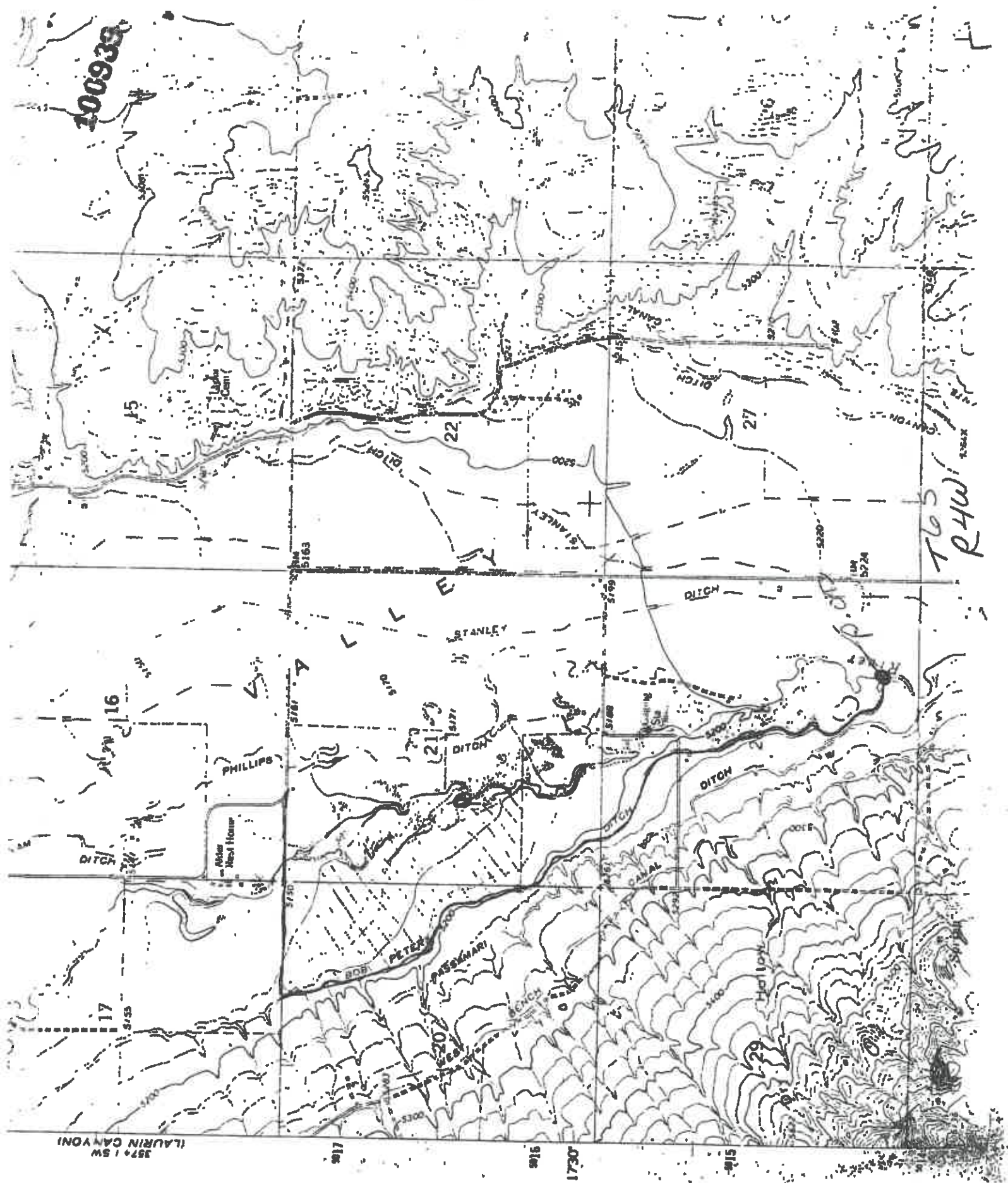
Max O Miller

Subscribed and sworn before me, this 22 day of Dec 19 81.

Shirley H. Stokell
Notary Public for the State of Montana

Residing at Bozeman

My Commission expires 1-15-1984



Appendix G

Alder Triple R LLC

Madison County, MT



41C 100939 00

Motion to Amend

 Former Max Miller / Miller Cattle Co.
Property

Current Property Ownership

 Alder Triple R LLC

 Robert O. & Dena R. Miller

 Miller Cattle Co.

 John D. & W. Judy Brendel

 Ruby River Retreat LLC

 Bob Peters Ditch

PODs & POUs

 Diversionary POD

 Diversionary POU

 Direct from Source POD and POU



Created 09/14/2020

Aerial Imagery:

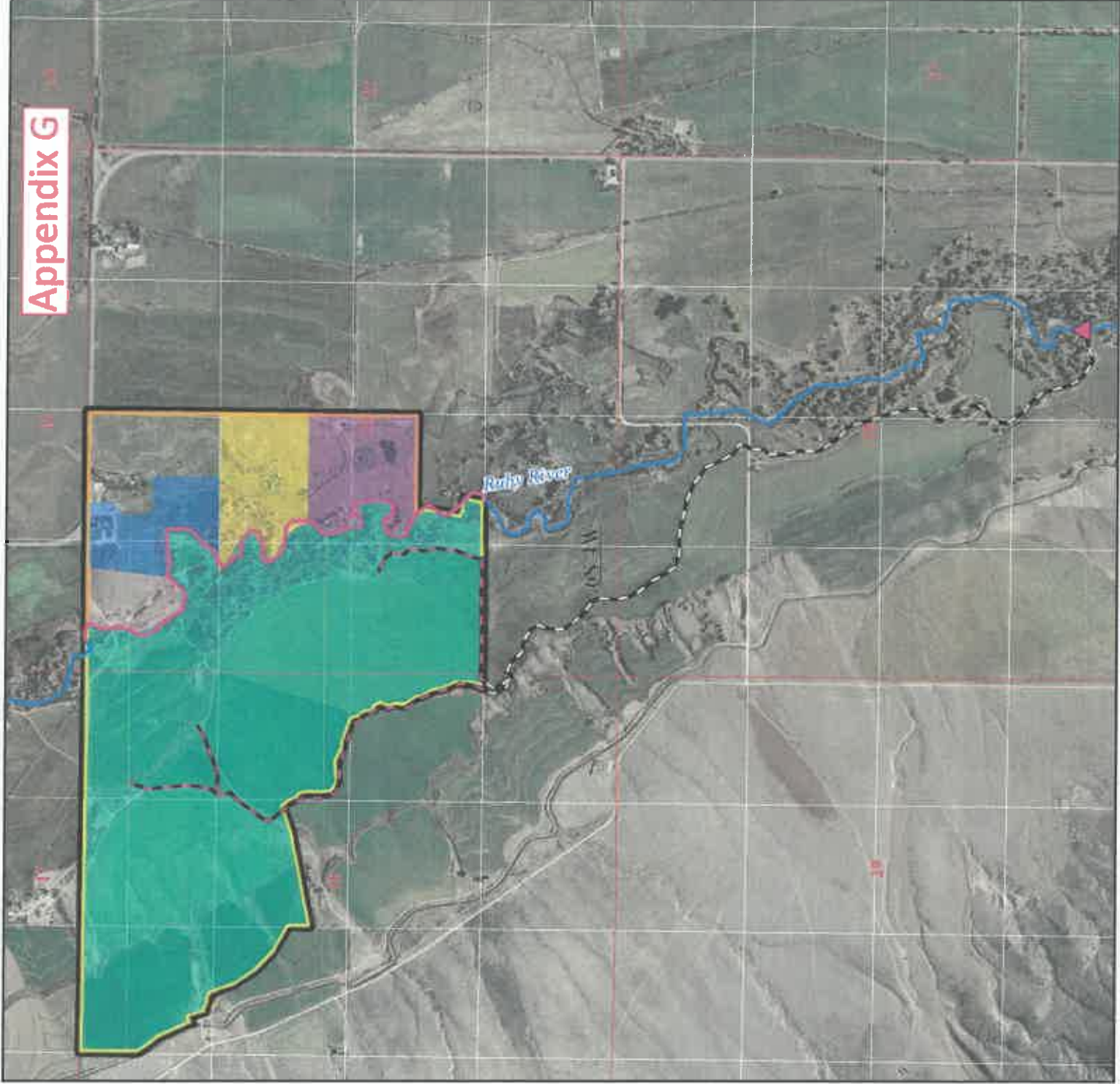
10/15/2017 NAIP

0 0.225 0.45

Miles

This map is for illustrative purposes only and does not guarantee the accuracy of delineated boundaries.

Appendix G



Appendix H

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O. BOX 201801 HELENA, MONTANA 59620-1801
GENERAL ABSTRACT

Water Right Number: 41C 100939-00 STATEMENT OF CLAIM

Version: 1 - ORIGINAL RIGHT

Version Status: ACTIVE

Owners:

MILLER CATTLE CO
PO BOX 184
ALDER, MT 59710-0184

Priority Date:

MAY 15, 1889

Enforceable Priority Date: MAY 15, 1889

Type of Historical Right: DECREED

Purpose (use):

STOCK

Maximum Flow Rate:

NO FLOW RATE HAS BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM.

Maximum Volume:

THIS WATER RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name:

RUBY RIVER

Source Type:

SURFACE WATER

Point of Diversion and Means of Diversion: See additional PODs to be added below.

ID	Govt Lot	Qtr	Sec	Sec	Twp	Rge	County
1		SE	SW	28	6S	4W	MADISON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DITCH

Period of Use:

JANUARY 1 to DECEMBER 31

Place of Use: See additional POUs to be added below.

ID	Acres	Govt Lot	Qtr	Sec	Sec	Twp	Rge	County
1			W2	W2	21	6S	4W	MADISON
1 2			E2		20	6S	4W	MADISON

Geocodes/Valid: 25-0420-20-1-01-01-0000 - Y

25-0420-20-1-01-02-0000 - Y

25-0420-21-3-02-01-0000 - Y

Remarks:

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 808 # 12214 RECEIVED 01/08/2004.

Additional Points of Diversion and Means of Diversion:

ID	Govt Lot	Qtr	Sec	Sec	Twp	Rge	County
2		NW		21	6S	4W	MADISON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: Direct from Source

ID	Qtr	Sec	Sec	Twp	Rge	County
3	W2	NESW	21	6S	4W	MADISON

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: Direct from Source

Proposed Revised Abstract

Additional Places of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
2			W2NW	21	6S	4W	MADISON
3			W2E2NW	21	6S	4W	MADISON
4			W2NESW	21	6S	4W	MADISON
5			NWSW	21	6S	4W	MADISON

Appendix I

Appendix I

DMS Natural Resources, LLC
Daborah Stephenson, M.B.A.
602 S. Ferguson Ave., Suite 2
Bozeman, MT 59718
406-600-1422
stephenson@dmsnaturalresources.com



August 27, 2020

Department of Natural Resources and Conservation
2273 Boot Hill Court Ste #110
Bozeman, MT 59715

RE: Miller Cattle Co. to Alder Triple R LLC Water Right Transfer Documents

Dear Bozeman DNRC,

Enclosed you will find one 608 filing and two 641 filings for the transfer of water rights between Miller Cattle Co. and Alder Triple R LLC in Madison County. The filing fee for the 608 filing and two 641 filings is \$190. A check for this amount is enclosed.

In this transaction, Miller Cattle Company is selling Tract 6B of CoS 2560-BA to Alder Triple R LLC. Miller Cattle Company is retaining Tract 1B-2 of CoS 2560-BA. CoS 2560-BA was recently recorded and is enclosed with this cover letter for your reference. Because CoS was very recently recorded, we do not have the newly created geo-codes for Tract 6B and Tract 1B-2. Therefore, geocodes have not been included on the 641 and 608 filings.

The 641 filings are for 41C 100941 00 and 41C 100944 00. The current abstracts for 41C 100941 00 and 41C 100944 00 do not reflect all of the current owners. 41C 100941 00 and 41C 100944 00 should have 5 co-owners (before the current transaction is processed): Miller Cattle Co., Robert O. & Dena R. Miller, John D & W. Judy Brendel, Miller U-O Ranch Inc, and Ruby River Retreat LLC. Please see enclosed deeds reflecting the chain of title when these parcels were split and transferred.

41C 100941 00 and 41C 100944 00 also have broad place of use legal land descriptions. The proposed revised abstract appended to the 641 filings refine the POU legal land descriptions. The refined legal land descriptions do not alter the max acres of the water rights.

Alder Triple R LLC will receive 35.5 acres of the POU, all west of the Ruby River. Miller Cattle Co., along with the four other co-owners, Robert O. & Dena R. Miller, John D & W. Judy Brendel, Miller U-O Ranch

Inc, and Ruby River Retreat, LLC will retain the remaining 93.5 acres of the POU on the east side of the Ruby River. The five co-owners of the POU east of the Ruby River would like to remain as co-owners and do not want to split out their portions of the POU into separate rights. The one owner west of the river, Alder Triple R LLC, would like to split their portion of 41C 100941 00 and 41C 100944 00 into separate split claims.

The parent and split claims will each retain the full flow rates, which will be shared on a rotational basis. A copy of the water use agreement is enclosed with the 641 forms.

Thank you for your time and attention to this matter. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah Stephenson", written in a cursive style.

Deborah Stephenson

CERTIFICATE OF SURVEY

NW1/4 SECTION 21, T.6S., R.4W., P.M.M.

NE1/4 SECTION 20, T.6S., R.4W., P.M.M.

MADISON COUNTY MONTANA

Book 7 of Surveys Page 2540-88
Page 2 of 2

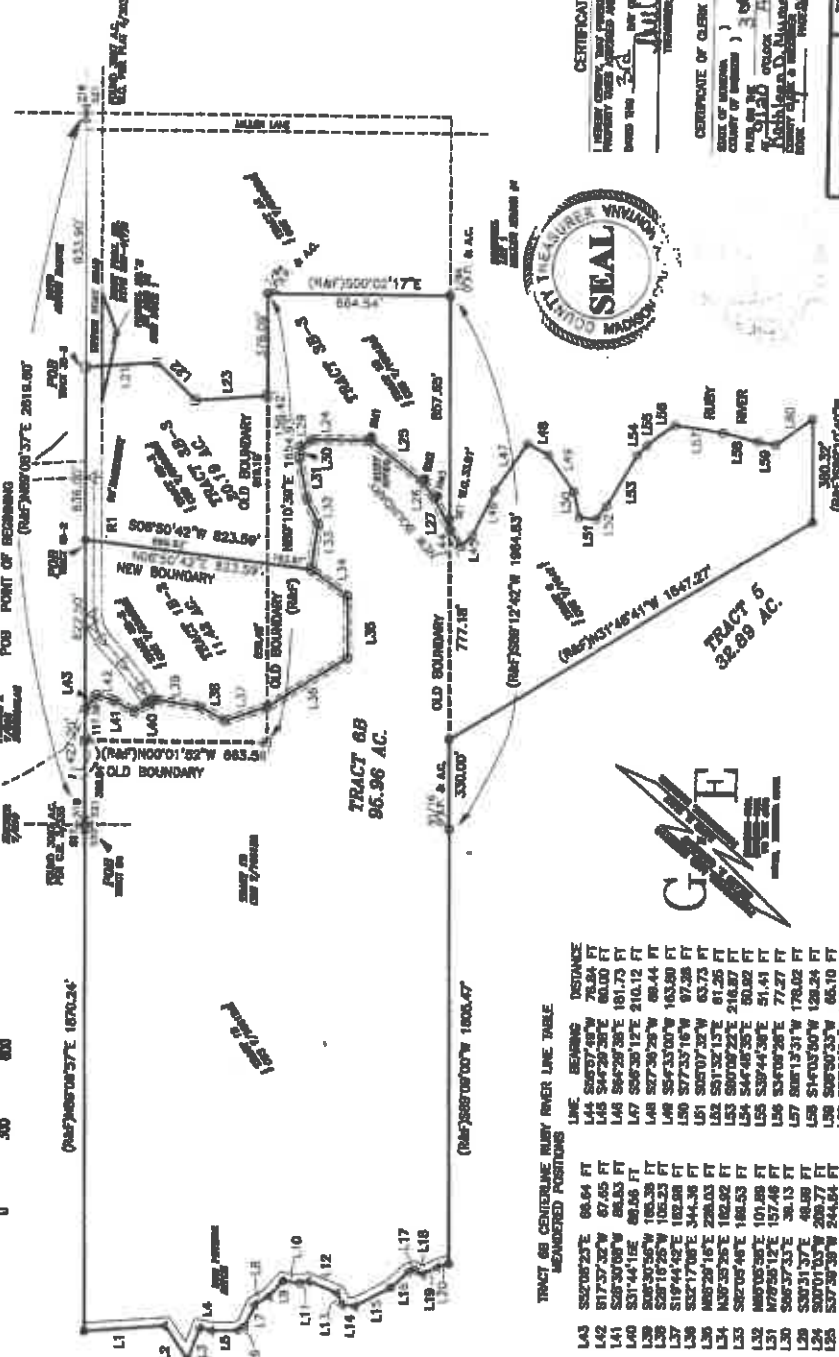
TABLE OF CONTENTS
PAGE 1 LEGAL DESCRIPTIONS, LAND OWNER CERTIFICATION, AND SURVEYOR CERTIFICATION
PAGE 2 DRAWING, TRAFSUSER BLOCK AND GLEN AND RECORDING BLOCK

LEGEND

- FOUND 1/4 OR SECTION CORNER AS NOTED
- FOUND 5/8" 1/4" REBAR WITH 1 1/2" ORANGE PLASTIC CAP MID "REINFORCED 13205"
- SET 6/8" 1/4" REBAR WITH 1 1/2" ORANGE PLASTIC CAP MID "REINFORCED 13205"
- CENTERLINE RIVER CORNER POSITION
- SURVEY LINES OF CONTROL
- PROTRACTED SURVEY LINES AND R/W LINES
- PROPERTY BOUNDARY, THIS SURVEY
- OLD BOUNDARY
- BASIS OF BEARING
- GEODETIC NORTH (GOMON COMUS)
- (O) RECORD C.O.S. BOOK 7 PAGE 18818A AND 1647
- (O) POINT OF BEGINNING

SURVEYOR'S NOTE 1:

MONTANA DEPARTMENT OF TRANSPORTATION ACQUIRED A PORTION OF TRACT 20 7/1981 AND A PORTION OF TRACT 21 7/1407 IN DEEDS 180447 AND 132889 FOR ROAD RIGHT-OF-WAY. NO ADJUSTMENTS WERE ESTABLISHED BY MAT. 1 DO NOT SET ANY MONUMENTS.



TRACT 18 R/W PETERS DITCH LINE TABLE

LINE	BEARING	DISTANCE
L1	N87°29'30"W	255.35 FT
L2	N85°25'48"E	146.10 FT
L3	N87°59'41"W	124.08 FT
L4	N11°27'37"E	43.38 FT
L5	N87°15'08"W	94.33 FT
L6	N4°12'57"W	33.88 FT
L7	N86°47'08"W	83.15 FT
L8	N82°31'32"W	50.91 FT
L9	N48°16'08"W	76.75 FT
L10	N85°43'18"E	85.54 FT
L11	N17°05'38"W	42.30 FT

TRACT 6B CENTERLINE RIVER LINE TABLE

LINE	BEARING	DISTANCE
L43	S82°08'23"E	86.64 FT
L44	S85°07'48"W	78.84 FT
L45	S44°29'38"E	80.00 FT
L46	S84°29'38"E	181.73 FT
L47	S86°30'12"E	210.12 FT
L48	S87°38'25"W	88.44 FT
L49	S84°33'00"W	163.80 FT
L50	S77°33'16"W	97.28 FT
L51	S85°07'32"W	63.73 FT
L52	S81°32'15"E	81.25 FT
L53	S80°08'22"E	216.87 FT
L54	S44°46'35"E	80.82 FT
L55	S39°44'38"E	51.41 FT
L56	S47°08'28"E	77.27 FT
L57	S88°13'31"W	78.02 FT
L58	S74°03'50"W	128.24 FT
L59	S87°30'33"W	65.10 FT
L60	S87°05'54"E	165.28 FT
L61	S82°03'51"W	128.10 FT

LOT SUMMARY
TRACT 18 ORIGINAL 88.72 AC, LOSS 86.02 AC, GAIN 8.70 AC, TRACT 18-2 TOTAL 11.42 AC.
TRACT 20-2 ORIGINAL 20.18 AC, LOSS 10.68 AC, GAIN 10.68 AC, TRACT 20-3 TOTAL 20.18 AC.
TRACT 6 ORIGINAL 16.66 AC, LOSS 0.00 AC, GAIN 77.30 AC, TRACT 6B TOTAL 96.96 AC.

TRACT 18-2 LINE TABLE

LINE	BEARING	DISTANCE
L34	S37°35'28"W	102.91 FT
L35	S88°29'16"W	230.03 FT
L36	N82°17'08"W	344.36 FT
L37	N18°44'48"E	182.08 FT
L38	N27°18'25"E	182.25 FT
L39	N87°30'52"E	182.25 FT
L40	N31°44'18"W	85.38 FT
L41	N82°30'52"E	85.38 FT
L42	N17°37'32"E	87.85 FT
L43	N82°08'23"E	86.64 FT

RM TABLE (FROM CORNER TO MONUMENT)

RM	BEARING	DISTANCE
RM 1	S77°30'02"E	15.88 FT
RM 2	S17°01'00"E	15.18 FT
RM 3	S37°25'38"E	15.04 FT

CERTIFICATE OF COUNTY TREASURER

I HEREBY CERTIFY THAT THE ABOVE DESCRIBED LAND IS THE PROPERTY OF THE COUNTY OF MADISON, MONTANA, AND IS NOT SUBJECT TO ANY OTHER CLAIM OR INTEREST. DATED THIS 3rd day of August, 2018. J. Paul Smith, County Treasurer

CERTIFICATE OF CLERK AND RECORDER

STATE OF MONTANA
COUNTY OF MADISON
FILED FOR RECORD
ON 3rd day of August, 2018
At Helena, Montana
J. Paul Smith, Clerk and Recorder

FOR COMMISSIONED BY
ROB MILLER

BOUNDARY ADJUSTMENT
NW1/4 SECTION 21, T.6S., R.4W., P.M.M.
NE1/4 SECTION 20, T.6S., R.4W., P.M.M.
MADISON COUNTY MONTANA

T.6S., R.4W.,
S20 S21

SHEET 2 OF 2

CERTIFICATE OF SURVEY NO. 2540-88

WARRANTY DEED

THIS INDENTURE, made the 7 day of February, 1997, between MILLER CATTLE CO., whose post office address is P.O. Box 184, Alder, Montana 59710, the GRANTOR, and JOHN D. BRENDEN and W. JUDY BRENDEN, husband and wife, whose post office address is 10525 S. Hoyne Avenue, Chicago, Illinois 60643, the GRANTEES, WITNESSETH:

That the said GRANTOR, for and in consideration of the sum of Ten (\$10.00) Dollars, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, convey, warrant and confirm unto the said GRANTEES, as joint tenants with the right of survivorship and not as tenants in common, and to their heirs and assigns, forever, all of the following described property, situated in Madison, State of Montana, to-wit:

Lot 1 of the Miller No. 1 Minor Subdivision, according to the official plat thereof, filed in Book 4 of Plats, page 343, records of Madison County, Montana, which said subdivision is situated in the NW 1/4 and SW 1/4 of Section 21, Township 6 South, Range 4 West, PMM.

TOGETHER WITH the following waters and water right, to-wit:

A portion of Water Right Number 41C-W-100944-00 to be used for irrigation purposes on the property described herein. The flow rate of the water right transferred herewith is .375 cubic feet per second (cfs), the point of diversion is the South West Quarter of the North East Quarter of the South West Quarter (SW¹/₄NE¹/₄SW¹/₄) of Section Twenty-One (21), Township 6 North, Range 4 West, Madison County, Montana.

And any and all other water and water rights, ditches and ditch rights appurtenant to the above described property and the right to access the storage for said water rights.

SUBJECT TO a sixty foot (60') access and utility easement shown as Miller Lane on PLAT OF MILLER NO. 1 MINOR SUBDIVISION filed for record on February 5, 1997, ~~1996~~, in Book 4 of Plats, Page 343, Madison County, Montana, and subject, further to any and all other utility, emergency access easements and riparian easements specifically identified on SAID MINOR SUBDIVISION PLAT and the Declaration of Covenants, Conditions and Restrictions to Miller No. 1 Minor Subdivision, dated February 5, 1997, together with any and all easements and rights-of-way of record or visually discernible upon the property and any and all covenants, conditions, restrictions and reservations in any government patent or prior conveyance or other document affecting the said property.

TOGETHER with all tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversions, remainders, rents, issues and profits thereof.

060122

2

INDEXED

FILED

SM

066966

BOOK

420

PAGE 575

WARRANTY DEED

THIS INDENTURE, made the 30th day of June, 1998, between MILLER CATTLE COMPANY, a Montana corporation, whose principal place of business is Alder, Montana, 59710, Grantor, and JEFFERSON P. CROY and JENNIFER H. CROY, husband and wife, of 2867 200th SW, Edmonds, WA 98026, Grantees,

W I T N E S S E T H:

That the said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), the receipt whereof is hereby acknowledged does hereby grant, bargain, sell, convey, warrant, and confirm unto the said Grantees, as joint tenants with right of survivorship, and to their successors and assigns, forever, all of the following-described property, situated in the County of Madison, State of Montana, to-wit:

A tract of land situated in the NW 1/4 and SW 1/4 of Section 21, Township 6 South, Range 4 West, P.M.M., more particularly shown and described as Lot 2 of Plat filed in Book 4 of Plats, page 303, records of Madison County, Montana.

TOGETHER WITH the following waters and water right, to-wit:

A portion of Water Right Number 41C-W-100944-00 to be used for irrigation purposes on the property described herein. The flow rate of the water right transferred herewith is .375 cubic feet per second (cfs), the point of diversion is the South West Quarter of the North East Quarter of the South West Quarter (SW 1/4, NE 1/4, SW 1/4) of Section Twenty-One (21), Township 6 North, Range 4 West, Madison County, Montana.

for 51286111

And any and all other water and water rights, ditches, and ditch rights appurtenant to the above-described property and the right to access the storage for said water rights.

SUBJECT TO a sixty foot (60') access and utility easement shown as Miller Lane on Certificate of Survey filed for record in Book 4 of Plats, Page 303, Madison County, Montana; and subject, further to any and all other utility, emergency access easements, and riparian easements specifically identified on Certificate of Survey and the Declaration of Covenants, Conditions and Restrictions to Miller No. 1 Minor Subdivision, dated February 4, 1997, and recorded February 5, 1997, at Book 405, page 808, of the Madison County Records, together with any and all easements and rights-of-way of record or visually discernible upon the property and any and all covenants, conditions, restrictions, and reservations in any government patent or prior conveyance or other document affecting the said property.

SUBJECT TO the terms, conditions and restrictions contained in the Road Maintenance Declaration for Miller No. 1 Minor Subdivision dated February 5, 1997, and filed February 5, 1997, at Book 405, page 813 of the Madison County Records.

TOGETHER WITH the right on ingress and egress over Miller Lane as the same courses over and across the E 1/2 NE 1/4 NW 1/4 of Section 21, Township 6 South, Range 4 West, P.M.M., and Lot 1 of the Plat of Miller No. 1 Minor Subdivision (and the emergency access road as shown on the Certificate of Survey), as shown on said Plat 4, page 303, records of Madison County, Montana.

TOGETHER with all tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainders, rents, issues, and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the said Grantee, as joint tenants with right of survivorship and their successors and assigns, forever.

And the said Grantor hereby warrants and agrees to defend all right, title, and interest in and to said property, and the quiet and peaceful possession thereof, unto the Grantees, and to their successors and assigns, forever, against all acts of said Grantor and any and all persons who may lawfully claim the same.

IN WITNESS WHEREOF, this instrument is executed the day and year first above written.

MILLER CATTLE COMPANY

By

Robert Mills
Its President

GRANTOR

STATE OF MONTANA)
: ss.
County of Madison)

On this 30th day of June, 1998, before me the undersigned, a notary public for the State of Montana of personally appeared ROBERT MILLS, known to me to be the President of MILLER CATTLE COMPANY, the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first above written.

William H. L. L.
Notary Public for State of Montana
Residing at Butte
My commission expires 8-1-99

Filed for record on the 30th day of
JUNE 19 98 at 1:35
of RECORDS on Page 575-577
By Cheryl Smith
Notary Public
Madison County, Montana
Fee \$ 18.00 Return to
MADISON COUNTY TITLE CO.
CITY



WARRANTY DEED

BOOK 448 PAGE 114

THIS INDENTURE, made the 3rd day of January, 2000, between MILLER CATTLE COMPANY whose address is South of Alder, Alder, MT, 59759, the Grantor, and MILLER U--O RANCH, INC., whose address is c/o Patricia Miller, P.O. Box 90, Alder, MT 59710.

That the said Grantor, for and in consideration of the sum of Ten (\$10.00) Dollars, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, convey, warrant and confirm unto the said Grantee, and to their heirs and assigns, forever, all of the following described property situated in Madison County, State of Montana, to-wit:

See Exhibit "A"

Together with all the tenements, hereditaments, and appurtenances thereto belonging, and the reversions and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest, property, possession, claim and demand whatsoever as well in law as in equity, of the said Grantor of, in or to the said premises and every part and parcel thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the said Grantee, and to their heirs and assigns, forever.

And the said Grantor hereby warrants and agrees to defend all right, title and interest in and to said property, and the quiet and peaceful possession thereof, unto the Grantee, and to their heirs and assigns, forever, against all acts of said Grantor and any and all persons who may lawfully claim the same.

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal the day and year first above written.

MILLER CATTLE COMPANY

By [Signature]
Its President

STATE OF MONTANA)
 : ss.
County of Silver Bow)

On this 3rd day of January, 2000, before me, a Notary Public for the State of Montana, personally appeared ROBERT O. MILLER, known to me to be the President of MILLER CATTLE COMPANY, whose name is subscribed to the within instrument, and acknowledged to me that said company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate above written.

(NOTARIAL SEAL)

[Signature]
Notary Public for the State of Montana
Residing at Butte-Silver Bow
My commission expires 6-1-2003

EXHIBIT "A"

~~E~~~~NE~~~~NW~~ and the Southeast diagonal half of
~~NW~~~~NE~~~~NW~~, Section 21, T6S R4W, P.M., as
previously conveyed in BK 300, Page 908,
records of Madison County

RCG: 485 PAGE 515

ABOVE SPACE FOR RECORDING USE

WARRANTY DEED

FOR A VALUABLE CONSIDERATION, the receipt of which is acknowledged, the undersigned, JEFFERSON P. CROY and JENNIFER H. CROY, of 159 Tano Road, Santa Fe, New Mexico 87501, do hereby grant, bargain, sell, and convey unto RUBY RIVER RETREAT, LLC, of 4302 Orchard Chase Court, Katy TX 77480, real property in Madison County, Montana, described as follows:

A tract of land situated in the NW1/4 and SW1/4 of Section 21, Township 6 South, Range 4 West, P.M.M., more particularly shown and described as Lot 2 of Miller No. 1 Minor Subdivision according to Plat filed in Book 4 of Plats, page 303, Records of Madison County, Montana,

TOGETHER WITH Miller Lane as the same courses over and across the E1/2NE1/4 NW1/4 of Section 21, Township 6 South, Range 4 West, P.M.M., and Lot 1 of the Plat of Miller No. 1 Minor Subdivision, as shown on said Plat 4, page 303, records Of Madison County, Montana.

TOGETHER WITH the improvements, tenements, hereditaments, and appurtenances thereto including all appurtenant water rights owned by Grantor including any reservoir, ditch or canal company shares as applicable;

TO HAVE AND TO HOLD unto the Grantee, and to its heirs and assigns, forever,

SUBJECT TO THE FOLLOWING:

- a) Reservations of record and road maintenance declarations of record.
- b) Reservations and exceptions in patents from the United States or the State of Montana.
- c) Visible easements, easements of record and as delineated on plat, and rights of way.
- d) All building, use, zoning, sanitary and environmental restrictions, covenants and any amendments thereto.
- e) Rights of the State of Montana, the United States of America, and the public in and over the waters and present or past bed or banks of the Ruby River to the ordinary high water mark.
- f) Any claims due to loss or gain in said Ruby River.
- g) Taxes and assessments for 2003 and subsequent years.

EXCEPT with reference to the items referred to in paragraphs (a) to (g) inclusive, this deed is given with the usual covenants expressed in Mont. Code Ann. Section 30-11-110.

Dated April 29, 2003.

Jefferson P. Croy
JEFFERSON P. CROY

Jennifer H. Croy
JENNIFER H. CROY

STATE OF NEW MEXICO,
County of Santa Fe, ss.

This instrument was acknowledged before me on (date) April 29, 2003
by JEFFERSON P. CROY and JENNIFER H. CROY.

Melanie Rael
Notary Public for the State of N.M.
Residing at: 121 W. Palace Ave
My Commission expires: 7-26-03 2003



WARRANTY DEED

BOOK 513, PAGE 525

THIS INDENTURE, made the 12th day of March, 2004, between Miller Cattle Co., whose post office address is Box 184, Alder, Montana 59710, the GRANTOR, and Robert O. Miller and Dena R. Miller, whose post office address is Box 184, Alder, Montana 59710, as joint tenants with right of survivorship and not as tenants in common, the GRANTEEES,

WITNESSETH:

That the said GRANTOR, for and in consideration of the sum of Ten (\$10.00) Dollars, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, convey warrant and confirm unto the said GRANTEEES, and to their assigns, and to the heirs of the survivor of said GRANTEEES, forever, all of the following described property, situated in Madison County, State of Montana, to-wit:

A tract of land consisting of 20.23 acres located in the N1/2 of the N1/4 of Section 21, Township 6 South, Range 4 West, P.M.M., more particularly described as Tract 3B of the Certificate of Survey recorded in book 7 of Surveys, page 1661BA, on file and of record in the office of the Clerk and Recorder of Madison County, Montana.

TOGETHER with all tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversions, remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the said GRANTEEES, and to their assigns, and to the heirs of the survivor of said GRANTEEES, forever.

And the said GRANTOR hereby warrants and agrees to defend all right, title and interest in and to said property, and the quiet and peaceful possession thereof, unto the GRANTEEES, and to their assigns, and to the heirs of the survivor of said GRANTEEES, forever, against all acts of said GRANTOR and any and all persons who may lawfully claim the same.

IN WITNESS WHEREOF, the said GRANTOR has caused these presents to be executed by its duly authorized officer the day and year first above written.

Miller Cattle Co.

By: Robert O. Miller

Robert O. Miller

STATE OF MONTANA)

County of Silver Bow)

: ss

On this 12th day of March, 2004, before me, a Notary Public for the State of Montana, personally appeared Robert O. Miller, known to me to be the President of Miller Cattle Co., whose name is subscribed to the within instrument, and acknowledges to me that he person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same on behalf of the corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
Notarial Seal the day and year first above written.



William M. Kebe, Jr.
William M. Kebe, Jr.
Notary Public for State of Montana
Residing at Butte, MT
My commission expires: 08/01/2007

AFTER RECORDING RETURN TO:

William M. Kebe, Jr.
Corette Pohlman & Kebe
P.O. Box 509
Butte, Montana 59703

S:\CORPORATIONS\6633 Miller Cattle Company\Warranty Deed.doc

After recording, return to:

Robert O. Miller
Dena R. Miller
P.O. Box 184
Alder, MT 59710



Doc #: 190792 Pages: 2 Book: Page:
STATE OF MONTANA MADISON COUNTY
Recorded 8/3/2020 9:20 AM NO: DEED
Kathleen Mumma, CLERK & RECORDER
Fee: \$ 14.00 BY: Adrian Elser, Deputy
To: MILLER, PO BOX 184, ALDER MT 59710

QUITCLAIM DEED

THIS QUITCLAIM DEED is made by and between Miller Cattle Co., a Montana corporation of P.O. Box 184, Alder, MT 59710, Grantor, and Robert O. Miller and Dena R. Miller, as joint tenants with rights of survivorship, of P.O. Box 184, Alder, MT 59710, Grantees.

WITNESSETH: For valuable consideration, the Grantor does hereby convey, remise, release and forever quitclaim unto the Grantees and their heirs, successors and assigns forever, all right, title and interest in and to the following described real property, situated in Madison County, State of Montana, to-wit:

A tract of land located in the NW1/4 of Section 21, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described as Tract 3B-3 on Certificate of Survey filed in Book 7 of Surveys, page 2560 -BA, records of Madison County, Montana.

TOGETHER with all the improvements, tenements, hereditaments and appurtenances thereto belonging or in any way appertaining, RESERVING, however, unto Grantor those portions of water right claim numbers 41C 100941-00 and 41C 100944-00 that irrigates the remainder of Parcel 1B of Certificate of Survey 7/1661-BA reconfigured into Tract 6B of Certificate of Survey filed in Book 7 of Surveys, page 2560 -BA and Parcel 3B-2 of Certificate of Survey 7/2385-BA reconfigured into Tract 1B-2 of Certificate of Survey filed in Book 7 of Surveys, page 2560 -BA not conveyed to Grantee, specifically 41.46 acres.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto said Grantees and to their heirs, successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal this 30th day of July, 2020.

[Signatures Follow Immediately]

GRANTOR:
Miller Cattle Co., a Montana corporation


Robert O. Miller, President

STATE OF MONTANA)
)ss:
COUNTY OF Madison

This instrument was acknowledged before me on the 30 day of July, 2020, by Robert O. Miller in his capacity as President of Miller Cattle Co., a Montana corporation, Grantor.

(seal)




Notary Public for State of Montana

After recording, return to:

Miller Cattle Co.
P.O. Box 184
Alder, MT 59710



Doc #: 100793 Pages: 2 Book Page:
STATE OF MONTANA MADISON COUNTY
Recorded 8/3/2020 9:20 AM KOT: DEED
Kathleen Mumma, CLERK & RECORDER
Fee: \$ 14.00 BY: Alison Elsen, Deputy
To: MILLER, PO BOX 184, ALDER MT 59710

QUITCLAIM DEED

THIS QUITCLAIM DEED is made by and between Robert O. Miller and Dena R. Miller, of P.O. Box 184, Alder, MT 59710, Grantors, and Miller Cattle Co., a Montana corporation, of P.O. Box 184, Alder, MT 59710, Grantee.

WITNESSETH: For valuable consideration, the Grantors do hereby convey, remise, release and forever quitclaim unto the Grantee and its successors and assigns forever, all right, title and interest in and to the following described real property, situated in Madison County, State of Montana, to-wit:

A tract of land located in the NE1/4 of Section 20 and the NW1/4 of Section 21, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described as Tract 6B on Certificate of Survey filed in Book 7 of Surveys, page 2560 -BA, records of Madison County, Montana.

A tract of land located in the NW1/4 of Section 21, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described as Tract 1B-2 on Certificate of Survey filed in Book 7 of Surveys, page 2560 -BA, records of Madison County, Montana.

TOGETHER with all the improvements, tenements, hereditaments and appurtenances thereto belonging or in any way appertaining, RESERVING, however, unto Grantor those portions of water right claim numbers 41C 100941-00 and 41C 100944-00 that irrigates the remainder of Parcel 3B-2 of Certificate of Survey 7/2385-BA reconfigured into Tract 3B-3 of Certificate of Survey filed in Book 7 of Surveys, page 2560-BA, not conveyed to Grantee, specifically 16.49 acres.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto said Grantee and to its successors and assigns forever.

30th IN WITNESS WHEREOF, the Grantors have hereunto set their hand and seal this day of July, 2020.

[Signatures Follow Immediately]

GRANTORS:


Robert O. Miller


Dena R. Miller

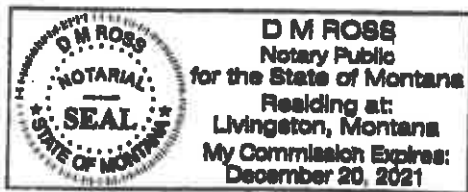
STATE OF MONTANA

COUNTY OF Madison

}
}ss:

This instrument was acknowledged before me on the 30 day of July, 2020, by Robert O. Miller and Dena R. Miller, Grantors.

(seal)




Notary Public for State of Montana

After recording, return to:

Robert O. Miller
Dena R. Miller
P.O. Box 184
Alder, MT 59710



Doc # 191075 eRecorded Pages: 2 Book: Pages
STATE OF MONTANA MADISON COUNTY
Recorded 8/14/2020 4:05 PM KOD: DEED
Kathleen Mumma, CLERK & RECORDER
Fee: \$ 14.00 BY: *Kathleen Mumma*
To: First American Title Company - Enn, 122 S 1st St., Ennis MT 59729

906171 ②

CORRECTION QUITCLAIM DEED

THIS CORRECTION QUITCLAIM DEED is made to remove the reservation of water rights language set forth in that certain Quitclaim Deed dated July 30, 2020 and recorded on August 3, 2020 as Document No. 190792, records of Madison County, Montana.

THIS QUITCLAIM DEED is made by and between Miller Cattle Co., a Montana corporation of P.O. Box 184, Alder, MT 59710, Grantor, and Robert O. Miller and Dena R. Miller, as joint tenants with rights of survivorship, of P.O. Box 184, Alder, MT 59710, Grantees.

WITNESSETH: For valuable consideration, the Grantor does hereby convey, remise, release and forever quitclaim unto the Grantees and their heirs, successors and assigns forever, all right, title and interest in and to the following described real property, situated in Madison County, State of Montana, to-wit:

A tract of land located in the NW1/4 of Section 21, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described as Tract 3B-3 on Certificate of Survey filed in Book 7 of Surveys, page 2560-BA, records of Madison County, Montana.

TOGETHER with all the improvements, tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto said Grantees and to their heirs, successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal this 14 day of August, 2020.

[Signatures Follow Immediately]

GRANTOR:
Miller Cattle Co., a Montana corporation




Robert O. Miller, President

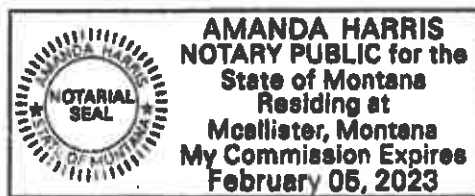
STATE OF MONTANA)
COUNTY OF MADISON :SS
)

This instrument was acknowledged before me on the 14 day of August, 2020, by Robert O. Miller in his capacity as President of Miller Cattle Co., a Montana corporation, Grantor.

(seal)



Notary Public for State of Montana



After recording, return to:

Miller Cattle Co.
P.O. Box 184
Alder, MT 59710



Doc # 191074 eRecorded Pages: 2 Book: Page:
STATE OF MONTANA MADISON COUNTY
Recorded 8/14/2020 4:05 PM KOL: DEED
Kathleen Humme, CLERK & RECORDER
Fee: \$ 14.00 BY: *Kathleen Humme*
To: First American Title Company - Enn, 122 S 1st St., Ennis MT 59729

906171 ①

CORRECTION QUITCLAIM DEED

THIS CORRECTION QUITCLAIM DEED is made to remove the reservation of water rights language set forth in that certain Quitclaim Deed dated July 30, 2020 and recorded on August 3, 2020 as Document No. 190793, records of Madison County, Montana.

THIS QUITCLAIM DEED is made by and between Robert O. Miller and Dena R. Miller, of P.O. Box 184, Alder, MT 59710, Grantors, and Miller Cattle Co., a Montana corporation, of P.O. Box 184, Alder, MT 59710, Grantee.

WITNESSETH: For valuable consideration, the Grantors do hereby convey, remise, release and forever quitclaim unto the Grantee and its successors and assigns forever, all right, title and interest in and to the following described real property, situated in Madison County, State of Montana, to-wit:

A tract of land located in the NE1/4 of Section 20 and the NW1/4 of Section 21, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described as Tract 6B on Certificate of Survey filed in Book 7 of Surveys, page 2560-BA, records of Madison County, Montana.

A tract of land located in the NW1/4 of Section 21, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described as Tract 1B-2 on Certificate of Survey filed in Book 7 of Surveys, page 2560-BA, records of Madison County, Montana.

TOGETHER with all the improvements, tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto said Grantee and to its successors and assigns forever.

14 IN WITNESS WHEREOF, the Grantors have hereunto set their hand and seal this day of August, 2020.

[Signatures Follow Immediately]

GRANTORS:



Robert O. Miller

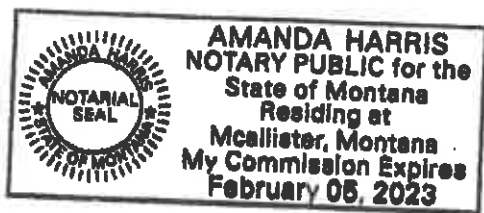

Dena R. Miller

STATE OF MONTANA)
COUNTY OF MADISON :SS
)

This instrument was acknowledged before me on the 14 day of August, 2020, by Robert O. Miller and Dena R. Miller, Grantors.

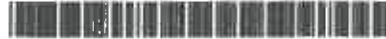
(seal)


Notary Public for State of Montana



After recording, return to:

First American Title Company
122 S. 1st Street
P.O. Box 899
Ennis, MT 59729



Doc #: 191079 eRecorded Pages: 2 Book: Page:
STATE OF MONTANA MADISON COUNTY
Recorded 8/14/2020 4:05 PM KOL: DEED
Kathleen Mumme, CLERK & RECORDER
Fee: \$ 14.00 BY: *Kathleen Mumme*
To: First American Title Company - Enn, 122 S 1st St., Ennis MT 59729

906/71 ⑥

WARRANTY DEED

FOR VALUE RECEIVED, Miller Cattle Co., a Montana corporation, whose address is P.O. Box 184, Alder, MT 59710, Grantor, hereby grants, sells, assigns, transfers, and conveys to Alder Triple R LLC, a Montana limited liability company, whose address is 386 Park Avenue South, 20th Floor, New York, NY 10016, Grantee, in fee simple forever, the real property located in Madison County, Montana, described more particularly as follows (referred to herein as "Property"):

A tract of land located in the NE1/4 of Section 20 and the NW1/4 of Section 21, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described as Tract 6B on Certificate of Survey filed in Book 7 of Surveys, page 2560-BA, records of Madison County, Montana.

A tract of land situated in the E1/2 of Section 20, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described as Tract 2 on Certificate of Survey filed in Book 7 of Surveys, page 1647, records of Madison County, Montana.

A tract of land situated in the SW1/4NW1/4 and the NW1/4SW1/4 of Section 21, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described as Tract 4 on Certificate of Survey filed in Book 7 of Surveys, page 1647, records of Madison County, Montana.

A tract of land situated in the W1/2 of Section 21, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described as Tract 5 on Certificate of Survey filed in Book 7 of Surveys, page 1647, records of Madison County, Montana.

A tract of land situated in the N1/2 of Section 20, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described as Cote B-2 on Certificate of Survey filed in Book 7 of Surveys, page 1935-BA, records of Madison County, Montana.

Lot 1 of Cote Meadows Minor Subdivision located in the N1/2 of Section 20, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described on Book 4 of Plats, page 567, records of Madison County, Montana.

TOGETHER WITH all improvements, rights, privileges, easements, reversions, remainders, rents, royalties, issues, and profits which are appurtenant to or obtained from the Property, including, without limitation, all water, water rights, ditches, ditch rights, timber rights, and minerals, gas, oil and other hydrocarbon rights not reserved or conveyed by Grantor's predecessors in title and pertaining to the Property, and all right, title and interest of the Grantor in and to all roads streets and alleys adjoining or passing through the Property.

SUBJECT TO taxes, levies and assessments for 2020, reservations in federal and state patents, existing easements and rights-of-way apparent from physical examination and inspection of the Property or of record, surveys, covenants, conditions and restrictions of record, mineral and royalty reservations or conveyances of record and oil, gas and mineral leases of record, water, water rights, and ditch rights, for which the Grantor makes no warranties whatsoever, county road rights-of-way not recorded or indexed as a conveyance in the office of the Clerk and Recorder of Madison County, Montana, and federal, state and local laws and regulations affecting the Property, if any.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee and to Grantee's successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except for those stated above, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

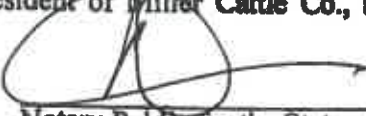
DATED this 14 day of AUGUST, 2020.

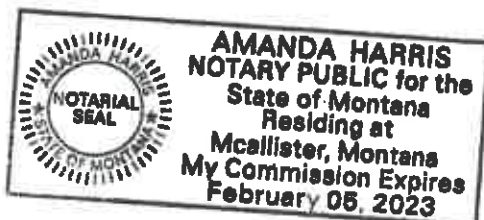
GRANTOR:
Miller Cattle Co., a Montana corporation

By: 
Robert O. Miller, President

STATE OF MONTANA)
 :SS
COUNTY OF MADISON)

This instrument was acknowledged before me on the 14 day of AUGUST, 2020 by Robert O. Miller, in his capacity as President of Miller Cattle Co., a Montana corporation, Grantor.


Notary Public for the State of Montana





DNRC OWNERSHIP UPDATE DIVIDED INTEREST

Complete one form for each water right that will be divided. Your water right will be divided into separate water rights based on the information provided.

Submit all three pages of this form with the filing fee; a deed, contract for deed, or other recorded document; a water right abstract; and a map.

Contact your local DNRC Water Resources Regional Office if you have any questions.

Filing Fee \$50.00

RECEIVED

AUG 28 2020

DNRC

FOR DEPARTMENT USE ONLY

Rec'd Date _____
 Rec'd By AZ
 Fee Rec'd \$ 50/100 Check No. 26004
 Payor DMG
 Refund \$ _____ Date _____
 Deposit Receipt # _____
 OID # _____

If all interested parties wish to split the water right, each must fill out and sign either part B or part C of this form. A water right can be split into several portions on one form for one \$50 filing fee. All interested parties must sign off on the split of water rights even if their portions are not split into individual rights.

PART A - GENERAL INFORMATION

1. DATE OF LAND TRANSFER (SALE) August 14, 2020
2. WATER RIGHT BEING DIVIDED 41C 100941 00
3. SELLER (Grantor) Miller Cattle Co.
 MAILING ADDRESS PO Box 184
 CITY Alder STATE MT ZIP 59710
 PHONE 406-666-2211 EMAIL rob.millercattle@gmail.com
4. BUYER (Grantee) Alder Triple R LLC
 MAILING ADDRESS 388 Park Avenue South, 20th Floor
 CITY New York STATE NY ZIP 10016
 PHONE 917-626-3871 EMAIL j.keller@kshcapital.com
6. HOW IS THIS WATER RIGHT BEING DIVIDED? Please check only one.
☐ The water right is being divided as specifically identified in a deed, contract for deed, or other recorded document. (Attach a copy and underline the divided interest information.)
☒ The water right is being divided proportionately between the buyer and seller based on the place of use described in the water right. (Attach a copy of the deed, contract for deed, or other recorded document.)
6. WATER RIGHT ABSTRACT
☒ A current DNRC general abstract of the water right being divided must be submitted. To receive DNRC generated water right abstracts, query the water right at the following web address: <http://www.nris.mt.gov/dnrc/water/rights/default.aspx> or contact the regional office serving your area.
7. MAP
☒ A map must be provided. An aerial photo is preferred. You may also use a scaled map, county plat or quad map showing township and range, section corners, and a north arrow. The following elements must be identified on the map:
 a. The place of use the seller is retaining; c. Point(s) of diversion; and
 b. The place of use the buyer is receiving; d. The location of any irrigated acres.

IMPORTANT NOTES

- If you want to change or add a point of diversion, place of use, place of storage, or purpose of use of a water right you must first file a change application with the DNRC.
- The combined portions of a divided water right cannot exceed the total flow rate, volume, or period of diversion of the original right.
- The DNRC has no jurisdiction concerning easement, right-of-way, and zoning matters. The buyer and seller must make these provisions where necessary.
- There may be ongoing court action regarding this water right and terms and conditions applicable to the exercise of the divided right. The buyer should be familiar with all aspects of the right received.

PART B – SELLER'S PORTION

(Attach additional sheets if necessary)

1. SELLER'S NAME Miller Cattle Co.

2. PORTION OF WATER RIGHT RETAINED

The flow rate, 1.25 cfs, will be shared on a rotational basis

Unless specifically divided in the attached recorded document, both the Seller's and Buyer's water right will retain the full flow rate and the use of the flow rate must be shared and/or alternated. Attach an additional sheet explaining how this will be done such that, in combination, the flow rate of the original water right will not be exceeded.

Purpose of Use Irrigation Volume (acre-feet) _____
 Purpose of Use _____ Volume (acre-feet) _____

3. POINT OF DIVERSION (describe the location to the nearest 10 acres, three quarter sections)

NE 1/4 NE 1/4 NW 1/4 Sec 28 TWP 6 ☐ N ☒ S RGE 4 ☐ E ☒ W

Lot/Tract _____ Block _____ Subdivision Name _____

COS _____ Gov't Lot _____ County Madison

1/4 1/4 1/4 Sec TWP 6 ☐ N ☐ S RGE 4 ☐ E ☐ W

Lot/Tract _____ Block _____ Subdivision Name _____

COS _____ Gov't Lot _____ County _____

4. PLACE OF USE

Purpose of Use Irrigation County Madison

5.96 acres 1/4 NW 1/4 NW 1/4 Sec 21 TWP 6 ☐ N ☒ S RGE 4 ☐ E ☒ W

_____ acres 1/4 1/4 1/4 Sec TWP 6 ☐ N ☐ S RGE 4 ☐ E ☐ W

_____ acres 1/4 1/4 1/4 Sec TWP 6 ☐ N ☐ S RGE 4 ☐ E ☐ W

_____ acres 1/4 1/4 1/4 Sec TWP 6 ☐ N ☐ S RGE 4 ☐ E ☐ W

5.96 Total Acres

Lot/Tract Tract 1B-2 Block _____ Subdivision Name _____

COS 2580-BA Gov't Lot _____

Geocodes(s) _____

Purpose of Use _____ County _____

_____ acres 1/4 1/4 1/4 Sec TWP 6 ☐ N ☐ S RGE 4 ☐ E ☐ W

_____ acres 1/4 1/4 1/4 Sec TWP 6 ☐ N ☐ S RGE 4 ☐ E ☐ W

_____ acres 1/4 1/4 1/4 Sec TWP 6 ☐ N ☐ S RGE 4 ☐ E ☐ W

_____ acres 1/4 1/4 1/4 Sec TWP 6 ☐ N ☐ S RGE 4 ☐ E ☐ W

_____ Total Acres

Lot/Tract _____ Block _____ Subdivision Name _____

COS _____ Gov't Lot _____

Geocodes(s) _____

5. SIGNATURE

I DECLARE UNDER PENALTY OF PERJURY AND UNDER THE LAWS OF THE STATE OF MONTANA THAT THE FOREGOING IS TRUE AND CORRECT.

Seller Signature: Miller Cattle Co.

Date: 8.14.20

By _____

Robert O. Miller, President

PART C - BUYER'S PORTION

(Attach additional sheets if necessary. If more than one buyer, add sheets showing each buyer's portion.)

1. BUYER'S NAME Alder Triple R LLC

2. PORTION OF WATER RIGHT ACQUIRED

Flow Rate (gpm/cfs) The flow rate, 1.25 cfs, will be shared on a rotational basis

Purpose of Use Irrigation Volume (acre-feet) _____

Purpose of Use _____ Volume (acre-feet) _____

3. POINT OF DIVERSION (describe the location to the nearest 10 acres, three quarter sections)

SW 1/4 NE 1/4 SW 1/4 Sec 21 TWP 6 ☐ N ☒ S RGE 4 ☐ E ☒ W

Lot/Tract _____ Block _____ Subdivision Name _____

COS _____ Gov't Lot _____ County Madison

____ 1/4 ____ 1/4 ____ 1/4 Sec _____ TWP _____ ☐ N ☐ S RGE _____ ☐ E ☐ W

Lot/Tract _____ Block _____ Subdivision Name _____

COS _____ Gov't Lot _____ County _____

4. PLACE OF USE

Purpose of Use Irrigation County Madison

7.7 acres W2 1/4 NW 1/4 NW 1/4 Sec 21 TWP 6 ☐ N ☒ S RGE 4 ☐ E ☒ W
27 acres ____ 1/4 NE 1/4 NE 1/4 Sec 20 TWP 6 ☐ N ☒ S RGE 4 ☐ E ☒ W
0.8 acres NE 1/4 NW 1/4 NE 1/4 Sec 20 TWP 6 ☐ N ☒ S RGE 4 ☐ E ☒ W
____ acres ____ 1/4 ____ 1/4 ____ 1/4 Sec _____ TWP _____ ☐ N ☐ S RGE _____ ☐ E ☐ W

35.5 Total Acres

Lot/Tract Tract 6B Block _____ Subdivision Name _____

COS 2550-8A Gov't Lot _____

Geocodes(s) _____

Purpose of Use _____ County _____

____ acres ____ 1/4 ____ 1/4 ____ 1/4 Sec _____ TWP _____ ☐ N ☐ S RGE _____ ☐ E ☐ W
____ acres ____ 1/4 ____ 1/4 ____ 1/4 Sec _____ TWP _____ ☐ N ☐ S RGE _____ ☐ E ☐ W
____ acres ____ 1/4 ____ 1/4 ____ 1/4 Sec _____ TWP _____ ☐ N ☐ S RGE _____ ☐ E ☐ W
____ acres ____ 1/4 ____ 1/4 ____ 1/4 Sec _____ TWP _____ ☐ N ☐ S RGE _____ ☐ E ☐ W

____ Total Acres

Lot/Tract _____ Block _____ Subdivision Name _____

COS _____ Gov't Lot _____

Geocodes(s) _____

5. SIGNATURE

I DECLARE UNDER PENALTY OF PERJURY AND UNDER THE LAWS OF THE STATE OF MONTANA THAT THE FOREGOING IS TRUE AND CORRECT.

Buyer Signature: Alder Triple R LLC

Date: 8-13-20

By: _____

Jeffrey E. Keller, Manager

WATER RESOURCES OFFICES

- BILLINGS:** AIRPORT INDUSTRIAL PARK, 1371 RIMTOP DR., BILLINGS MT 59105-1978
PHONE: 406-247-4415 FAX: 406-247-4416
SERVING: Big Horn, Carbon, Carter, Custer, Fallon, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, and Yellowstone Counties
- BOZEMAN:** 2273 BOOT HILL COURT, SUITE 110, BOZEMAN MT 59715
PHONE: 406-586-3136 FAX: 406-587-9726
SERVING: Gallatin, Madison, and Park Counties
- GLASGOW:** 222 6TH STREET SOUTH, PO BOX 1269, GLASGOW MT 59230-1269
PHONE: 406-228-2561 FAX: 406-228-8706
SERVING: Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, Valley, and Wibaux Counties
- HAVRE:** 210 6TH AVENUE, PO BOX 1828, HAVRE MT 59501-1828
PHONE: 406-265-5516 FAX: 406-265-2225
SERVING: Blaine, Chouteau, Glacier, Hill, Liberty, Pondera, Teton, and Toole Counties
- HELENA:** 1424 9TH AVE., PO BOX 201601, HELENA MT 59620-1601
PHONE: 406-444-6999 FAX: 406-444-9317
SERVING: Beaverhead, Broadwater, Deer Lodge, Jefferson, Lewis and Clark, Powell, and Silver Bow Counties
- KALISPELL:** 655 TIMBERWOLF PARKWAY, SUITE 4, KALISPELL MT 59901-1215
PHONE: 406-752-2288 FAX: 406-752-2843
SERVING: Flathead, Lake, Lincoln, and Sanders Counties
- LEWISTOWN:** 613 NORTHEAST MAIN ST., SUITE E, LEWISTOWN MT 59457-2020
PHONE: 406-538-7459 FAX: 406-538-7089
SERVING: Cascade, Fergus, Golden Valley, Judith Basin, Meagher, Musselshell, Petroleum, and Wheatland Counties
- MISSOULA:** 2705 SPURGEN RD. BLDG.C, PO BOX 5004, MISSOULA MT 59806-5004
PHONE: 406-721-4284 FAX: 406-542-5899
SERVING: Granite, Mineral, Missoula, and Ravalli Counties

MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

Water Resources Division - Water Rights Bureau

WEBSITE: <http://dnrc.mt.gov/wrd/>



STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 8TH AVENUE P.O. BOX 201801 HELENA, MONTANA 59620-1801
GENERAL ABSTRACT

Water Right Number: 41C 100941-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: MILLER CATTLE CO Alder Triple R LLC
PO BOX 184 386 Park Avenue South, 20th floor
ALDER, MT 59710-0184 New York, NY 10016

Priority Date: APRIL 30, 1865

Enforceable Priority Date: APRIL 30, 1865

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 1.25 CFS Flow rate of 41C 100941 00 and 41C 100941 - Split Claim will be shared on a rotating basis.

Maximum Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT
PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 129.00 35.5

Source Name: RUBY RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr	Sec	Sec	Twp	Rac	County
1	NENENW	28	8S	4W	MADISON		

Period of Diversion: APRIL 1 TO NOVEMBER 4

Diversion Means: HEADGATE

Ditch Name: PHILLIPS DITCH NO. 1

2	1	SWNESW	21	6S	4W	MADISON	
---	---	--------	----	----	----	---------	--

Period of Diversion: APRIL 1 TO NOVEMBER 4

Diversion Means: HEADGATE

Ditch Name: PHILLIPS DITCH NO. 2

DITCH NAME FOR DIVERSION NO. 2 IS: PHILLIPS DITCH NO. 2

DITCH NAME FOR DIVERSION NO. 01 IS: PHILLIPS DITCH NO. 1

Period of Use: APRIL 1 to NOVEMBER 4

Place of Use:

ID	Acres	Govt Lot	Qtr	Sec	Sec	Twp	Rac	County
1	38.00	NENE	20	6S	4W	MADISON		
2	93.00	W2	21	6S	4W	MADISON		
Total:	129.00							

This POU has been split, refer to the POU
listed below.

Geocodes/Valid:	25 0420 20 1 01 02 0000 -Y	25 0420 21 2 01 02 0000 -Y
	25 0420 21 2 01 05 0000 -Y	25 0420 21 2 01 10 0000 -Y
	25 0420 21 2 01 15 0000 -Y	25 0420 21 3 01 01 0000 -Y
	25 0420 21 3 02 01 0000 -Y	25 0420 21 4 01 20 0000 -Y

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

100941-00 100944-00

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

OWNERSHIP UPDATE RECEIVED

Remarks:

OWNERSHIP UPDATE TYPE 608 # 12214 RECEIVED 01/06/2004.

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	0.8		NENWNE	20	6S	4W	MADISON	
2	27		NENE	20	6S	4W	MADISON	
3	7.7		W2NWNW	21	6S	4W	MADISON	
Total:	35.5							

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O. BOX 201801 HELENA, MONTANA 59620-1801
GENERAL ABSTRACT

Water Right Number: 41C 100941-00 STATEMENT OF CLAIM
Version: 1 - ORIGINAL RIGHT

Version Status: ACTIVE

Owners: MILLER CATTLE CO Additional owners
PO BOX 184 listed below.
ALDER, MT 59710-0184

Priority Date: APRIL 30, 1865

Enforceable Priority Date: APRIL 30, 1865

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 1.25 CFS Flow rate of 41C 100941 00 and 41C 100941 - Split Claim will be shared on a rotating basis.

Maximum Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT
PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 129.00 93.5

Source Name: RUBY RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		NENENW	28	6S	4W	MADISON

Period of Diversion: APRIL 1 TO NOVEMBER 4

Diversion Means: HEADGATE

Ditch Name: PHILLIPS DITCH NO. 1

2		SWNESW	21	6S	4W	MADISON
---	--	--------	----	----	----	---------

Period of Diversion: APRIL 1 TO NOVEMBER 4

Diversion Means: HEADGATE

~~Ditch Name: PHILLIPS DITCH NO. 2~~

~~DITCH NAME FOR DIVERSION NO. 2 IS: PHILLIPS DITCH NO. 2~~

~~DITCH NAME FOR DIVERSION NO. 01 IS: PHILLIPS DITCH NO. 1~~

Period of Use: APRIL 1 to NOVEMBER 4

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
4	36.00		NENE	20	6S	4W	MADISON
2 1	93.00	93.5	W2	21	6S	4W	MADISON
Total:	129.00	93.5					

Geocodes/Valid: 25 0420 20 1 01 02 0000 -Y 25 0420 21 2 01 02 0000 -Y

25 0420 21 2 01 05 0000 -Y 25 0420 21 2 01 10 0000 -Y

25 0420 21 2 01 15 0000 -Y 25 0420 21 3 01 01 0000 -Y

25 0420 21 3 02 01 0000 -Y 25 0420 21 4 01 20 0000 -Y

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

100941-00 100944-00

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

OWNERSHIP UPDATE RECEIVED

Remarks:

OWNERSHIP UPDATE TYPE 608 # 12214 RECEIVED

01/06/2004.

Additional Owners:

Robert O. & Dena R. Miller
PO Box 184
Alder, MT 59710-0184

Ruby River Retreat LLC
PO Box 31
Cuero, TX 77954-0031

John D. & W. Judy Brendel
PO Box 107
Alder, MT 59710-0107

Miller U-O Ranch Inc
Kennewick, WA 59710-0053







Ruby River Ranch

Madison County, MT



41C 100941 00 & 41C 100944 00
641

Property Ownership

-  Miller Cattle Co. sold to Alder Triple R, LLC
-  Robert O. & Dena R. Miller
-  Miller Cattle Co. Retained Property
-  John D. & W. Judy Brendel
-  Miller U-O Ranch Inc.
-  Ruby River Retreat LLC



 Phillips Ditch No. 1

 Elser-Finley-Norton Ditch

 Split Claim POU

 POU

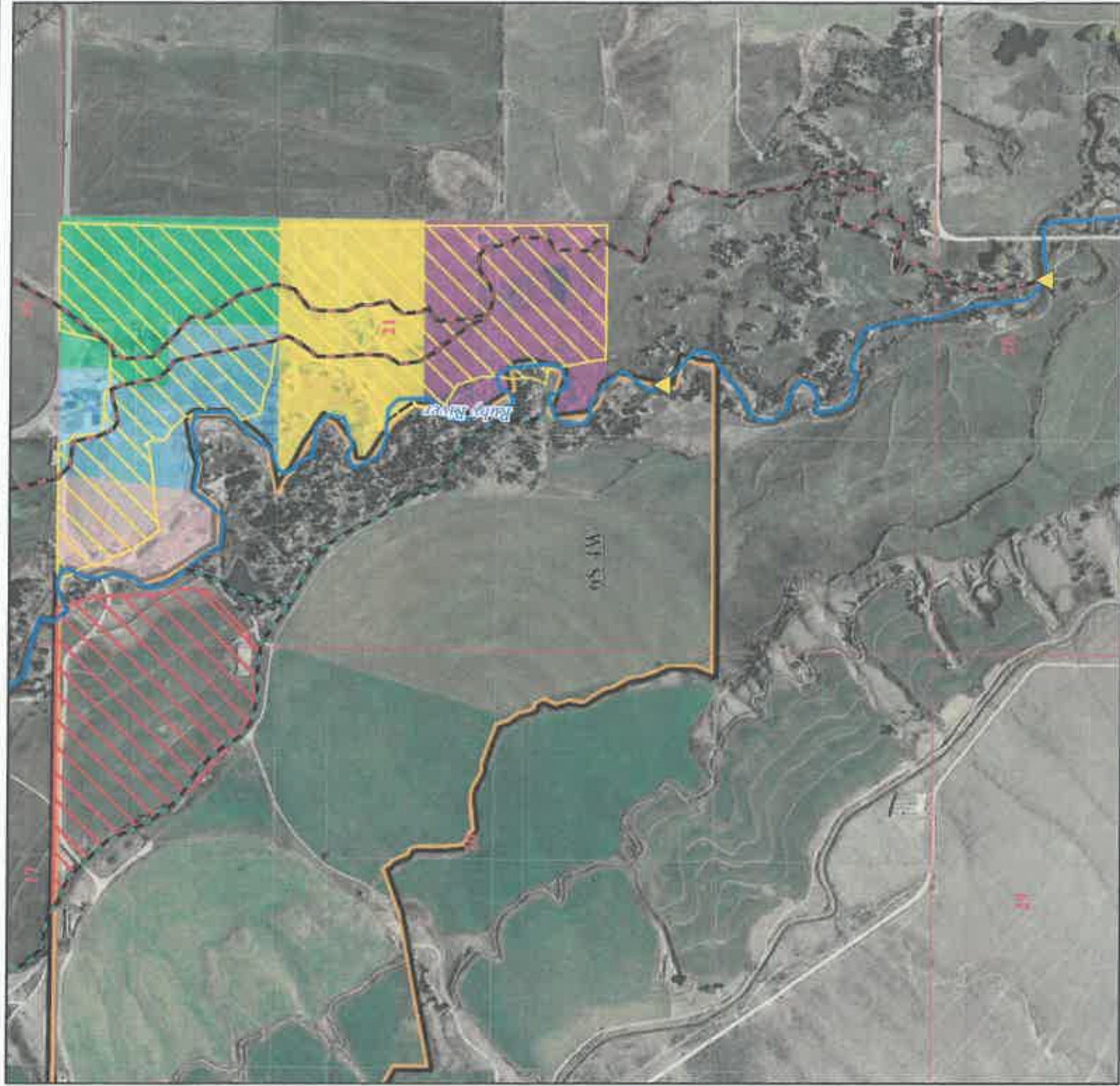


Created 07/31/2020
Aerial Imagery:
10/15/2017 NAIP

0 0.125 0.25

Miles

This map is for illustrative purposes only and does not guarantee the accuracy of delineated boundaries.



After recording, return to:

First American Title Company
122 S. 1st Street
P.O. Box 899
Ennis, MT 59729



Doc #: 191079 eRecorded Pages: 2 Book: Page:
STATE OF MONTANA MADISON COUNTY
Recorded 8/14/2020 4:05 PM KOL: DEED
Kathleen Munnis, CLERK & RECORDER
Fee: \$ 14.00 BY: *Kathleen Munnis*
To: First American Title Company - Enn, 122 S 1st St., Ennis MT 59729

9/6/71 ⑥

WARRANTY DEED

FOR VALUE RECEIVED, Miller Cattle Co., a Montana corporation, whose address is P.O. Box 184, Alder, MT 59710, Grantor, hereby grants, sells, assigns, transfers, and conveys to Alder Triple R LLC, a Montana limited liability company, whose address is 386 Park Avenue South, 20th Floor, New York, NY 10016, Grantee, in fee simple forever, the real property located in Madison County, Montana, described more particularly as follows (referred to herein as "Property"):

A tract of land located in the NE1/4 of Section 20 and the NW1/4 of Section 21, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described as Tract 6B on Certificate of Survey filed in Book 7 of Surveys, page 2560-BA, records of Madison County, Montana.

A tract of land situated in the E1/2 of Section 20, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described as Tract 2 on Certificate of Survey filed in Book 7 of Surveys, page 1647, records of Madison County, Montana.

A tract of land situated in the SW1/4NW1/4 and the NW1/4SW1/4 of Section 21, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described as Tract 4 on Certificate of Survey filed in Book 7 of Surveys, page 1647, records of Madison County, Montana.

A tract of land situated in the W1/2 of Section 21, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described as Tract 5 on Certificate of Survey filed in Book 7 of Surveys, page 1647, records of Madison County, Montana.

A tract of land situated in the N1/2 of Section 20, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described as Cote B-2 on Certificate of Survey filed in Book 7 of Surveys, page 1935-BA, records of Madison County, Montana.

Lot 1 of Cote Meadows Minor Subdivision located in the N1/2 of Section 20, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described on Book 4 of Plats, page 567, records of Madison County, Montana.

TOGETHER WITH all improvements, rights, privileges, easements, reversions, remainders, rents, royalties, issues, and profits which are appurtenant to or obtained from the Property, including, without limitation, all water, water rights, ditches, ditch rights, timber rights, and minerals, gas, oil and other hydrocarbon rights not reserved or conveyed by Grantor's predecessors in title and pertaining to the Property, and all right, title and interest of the Grantor in and to all roads streets and alleys adjoining or passing through the Property.

SUBJECT TO taxes, levies and assessments for 2020, reservations in federal and state patents, existing easements and rights-of-way apparent from physical examination and inspection of the Property or of record, surveys, covenants, conditions and restrictions of record, mineral and royalty reservations or conveyances of record and oil, gas and mineral leases of record, water, water rights, and ditch rights, for which the Grantor makes no warranties whatsoever, county road rights-of-way not recorded or indexed as a conveyance in the office of the Clerk and Recorder of Madison County, Montana, and federal, state and local laws and regulations affecting the Property, if any.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee and to Grantee's successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except for those stated above, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 14 day of AUGUST, 2020.

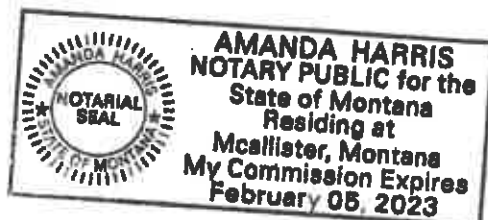
GRANTOR:
Miller Cattle Co., a Montana corporation

By: 
Robert O. Miller, President

STATE OF MONTANA)
 :ss
COUNTY OF MADISON)

This instrument was acknowledged before me on the 14 day of AUGUST, 2020 by Robert O. Miller, in his capacity as President of Miller Cattle Co., a Montana corporation, Grantor.


Notary Public for the State of Montana



After recording, return to:

Cusick, Farve, Mattick & Refling
P.O. Box 1288
Bozeman, MT 59771-1288



Doc # 101082 eRecorded Pages 5 Book Pages

STATE OF MONTANA MADISON COUNTY

Recorded 8/14/2020 4:05 PM

KOI: AGREEMENT

Kathleen Mumme, CLERK & RECORDER

Fees: \$ 35.00

BY: *Kathleen Mumme*

To: First American Title Company - Enn, 122 S 1st St., Ennis MT 59729

906171⑨

WATER USE AGREEMENT

THIS WATER USE AGREEMENT ("Agreement") is made by and between Miller Cattle Co., a Montana corporation, with an address of P.O. Box 184, Alder, MT 59710 ("Miller Cattle"), Robert O. Miller and Dena R. Miller, with an address of P.O. Box 184, Alder, MT 59710 ("Millers"), and Alder Triple R LLC, with an address of 386 Park Avenue South, 20th Floor, New York, NY 10016 ("Alder Triple R") (each of whom is individually referred to as a "Party" and are collectively referred to as the "Parties"), for the shared use of water right claim numbers 41C 100941-00 and 41C 100944-00.

RECITALS

WHEREAS, water right claim numbers 41C 100941-00 and 41C 100944-00 have overlapping and identical points of diversion and places of use.

WHEREAS, water right claim numbers 41C 100941-00 and 41C 100944-00 have historically been utilized simultaneously to irrigate portions of the place of use at any one time, rotating the use of water until the entire 129 acre place of use is fully irrigated.

WHEREAS, the use of water right claim numbers 41C 100941-00 and 41C 100944-00 requires the shared and rotational use of the full flow rate of both of these water right claims.

WHEREAS, Alder Triple R is purchasing a portion of Miller Cattle's property which includes part of the place of use of water right claim numbers 41C 100941-00 and 41C 100944-00.

WHEREAS, Alder Triple R desires to split a portion of water right claim numbers 41C 100941-00 and 41C 100944-00 but maintain common shared use of the full flow rate, consistent with the historic rotational use of these water right claims.

WHEREAS, all of the Parties, in their best interest and to assist in the maximum beneficial shared use of these water right claims, desire to enter into an agreement that sets forth the shared and rotational use of the flow rate of these water right claims.

SHARED USE AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants, promises and stipulations contained herein, the Parties agree as follows:

1. Water Right Claim 41C 100941-00. The Parties agree that parent water right claim number 41C 100941-00 and Alder Triple R's water right claim split from claim number 41C 100941-00 should have the following informational remark added to each claim:

The water rights following this statement share a flow rate of 1.25 cfs: 41C 100941-00 and 41C 100941-Alder Triple R split claim. Not more than 1.25 cfs may be diverted at any one time under these claims. The parties have entered into a private agreement to allocate water use between their respective properties.

2. Water Right Claim 41C 100944-00. The Parties agree that parent water right claim number 41C 100944-00 and Alder Triple R's water right claim split from claim number 41C 100944-00 should have the following informational remark added to each claim:

The water rights following this statement share a flow rate of 2.45 cfs: 41C 100944-00 and 41C 100944-Alder Triple R split claim. Not more than 2.45 cfs may be diverted at any one time under these claims. The parties have entered into a private agreement to allocate water use between their respective properties.

3. Shared Use Agreement. The Parties agree it is in their best interest to enter into a shared use agreement concerning the rotational use of water right claim numbers 41C 100941-00, 41C 100944-00, and Alder Triple R's split portion of these water right claims. The Parties agree to share the flow rate of these claims, either the entire flow rate or a portion of the flow rate, and rotate the use of the flow rate through either of the two points of diversion to irrigate their respective portions of the 129.0 acre place of use. The Parties agree they will meet or discuss their irrigation plans prior to the start of the irrigation season and agree to a plan to share and rotate the use of their respective flow rates at that time.

The Parties agree that each year several circumstances may affect the use of their respective water rights through the points of diversion and the order in which the Parties utilize the flow rates, including, but not limited to, availability of water, climatic conditions, crop needs, current weather, and readiness of the Parties to irrigate. Accordingly, the shared use of the flow rates shall serve only as a general guideline to be used when all Parties are ready to irrigate, require the beneficial use of water on their claimed places of use, and water flow from the Ruby River is sufficient to satisfy use for the specified number of days. If any Party no longer has need for the use of their respective flow rate for any reason, including satisfying their crop needs prior to the expiration of their agreed upon rotational use, they agree to notify the other Parties as soon as possible so the next Party in the rotational schedule can begin using the flow rate for the maximum beneficial use of the shared water rights.

The Parties agree to proceed in irrigating their respective places of use with reasonable diligence and utilize the historical, ordinary, and customary irrigation practices of this area in order to maximize the shared use of the flow rate.

ADDITIONAL TERMS

The terms of this Agreement shall not prevent a Party from applying for new water permits; purchasing water rights; selling, conveying, or leasing existing water rights; applying for changes in existing water rights; or converting from flood to sprinkler irrigation, so long as the terms and conditions of this Agreement are satisfied.

Miller Cattle Co. and Robert and Dena Miller agree to not object to a change application submitted by Alder Triple R to change the point of diversion from Phillips Ditch Number 2 located in the SWNESW of Section 21, Township 6 South, Range 4 West to the Elser-Finley-Norton Ditch located just north of that in the NWNESW of Section 21, Township 6 South, Range 4 West.

This Agreement shall be binding on the successors, administrators, executors, heirs, general and limited partners, and assignees of the Parties.

Nothing in this Agreement shall create any right, claim, cause of action, objection, defense, or other remedy in any person not a Party to this Agreement

If this Agreement is breached by any Party, the breaching Party shall be liable for damages, costs, and reasonable attorney's fees. The non-breaching Parties may also apply to a court of competent jurisdiction for injunctive orders to require the breaching Party to comply with the terms and conditions of this Agreement.

This Agreement may be executed in counterparts and, when put together, shall constitute a single document.

This Agreement constitutes the entire Agreement between the Parties and shall be effective upon the signature of the last Party to sign the Agreement.

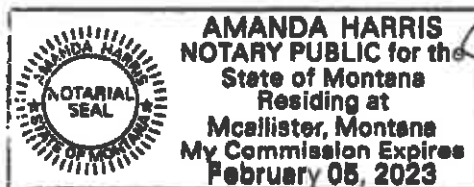
MILLER CATTLE CO.,
a Montana corporation



Robert O. Miller, President

8.14.20
Date

STATE OF MONTANA)
COUNTY OF MADISON)
:ss

This instrument was acknowledged before me on the 14 day of August, 2020 by Robert O. Miller, in his capacity as President of Miller Cattle Co., a Montana corporation.




Notary Public for the State of _____
Printed Name: _____
Residing at: _____
My Commission Expires: _____

ROBERT O. MILLER,
Individually


Robert O. Miller

8-14-20
Date

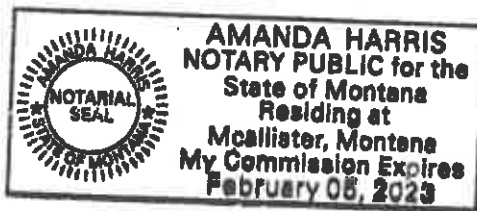
DENA R. MILLER,
Individually

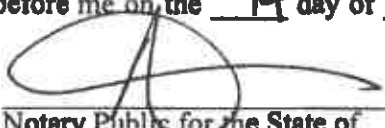

Dena R. Miller

8-14-20
Date

STATE OF MONTANA)
COUNTY OF MADISON)
:ss

This instrument was acknowledged before me on the 14 day of August, 2020 by Robert O. Miller and Dena R. Miller.




Notary Public for the State of _____
Printed Name: _____
Residing at: _____
My Commission Expires: _____


ALDER TRIPLE R LLC
a Montana Limited Liability Company

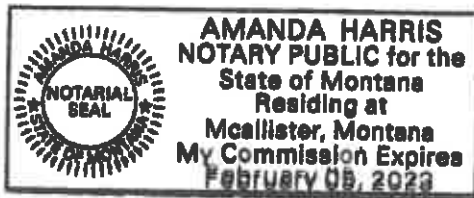
Jeffrey E. Kelter, Manager

8.13.20
Date

STATE OF Montana)
COUNTY OF MUSKIEGEE)
:ss

This instrument was acknowledged before me on the 13 day of August, 2020 by Jeffrey E. Kelter, in his capacity as Manager of Alder Triple R LLC, a Montana limited liability company.


Notary Public for the State of _____
Printed Name: _____
Residing at: _____
My Commission Expires: _____





DNRC OWNERSHIP UPDATE DIVIDED INTEREST

Complete one form for each water right that will be divided. Your water right will be divided into separate water rights based on the information provided.

Submit all three pages of this form with the filing fee; a deed, contract for deed, or other recorded document; a water right abstract; and a map.

Contact your local DNRC Water Resources Regional Office if you have any questions.

Filing Fee \$50.00

RECEIVED

AUG 28 2020

DNRC
FOR DEPARTMENT USE ONLY
Bozeman Water Resources

Rec'd Date _____
Rec'd By AC
Fee Rec'd \$ 50.00 Check No. 26004
Payor DMS
Refund \$ _____ Date _____
Deposit Receipt # _____
OID # _____

If all interested parties wish to split the water right, each must fill out and sign either part B or part C of this form. A water right can be split into several portions on one form for one \$50 filing fee. All interested parties must sign off on the split of water rights even if their portions are not split into individual rights.

PART A - GENERAL INFORMATION

- DATE OF LAND TRANSFER (SALE) August 14, 2020
- WATER RIGHT BEING DIVIDED 41C 100944 00
- SELLER (Grantor) Miller Cattle Co.
MAILING ADDRESS PO Box 184
CITY Alder STATE MT ZIP 59710
PHONE 406-696-2211 EMAIL rob.millercattle@gmail.com
- BUYER (Grantee) Alder Triple R LLC
MAILING ADDRESS 386 Park Avenue South, 20th Floor
CITY New York STATE NY ZIP 10018
PHONE 917-626-3871 EMAIL jsalter@kshcapital.com
- HOW IS THIS WATER RIGHT BEING DIVIDED? Please check only one.
☐ The water right is being divided as specifically identified in a deed, contract for deed, or other recorded document. (Attach a copy and underline the divided interest information.)
☒ The water right is being divided proportionately between the buyer and seller based on the place of use described in the water right. (Attach a copy of the deed, contract for deed, or other recorded document.)
- WATER RIGHT ABSTRACT
☒ A current DNRC general abstract of the water right being divided must be submitted. To receive DNRC generated water right abstracts, query the water right at the following web address: <http://www.nrds.mt.gov/dnrc/waterrights/default.aspx> or contact the regional office serving your area.
- MAP
☒ A map must be provided. An aerial photo is preferred. You may also use a scaled map, county plat or quad map showing township and range, section corners, and a north arrow. The following elements must be identified on the map:
 - The place of use the seller is retaining;
 - The place of use the buyer is receiving;
 - Point(s) of diversion; and
 - The location of any irrigated acres.

IMPORTANT NOTES

- If you want to change or add a point of diversion, place of use, place of storage, or purpose of use of a water right you must first file a change application with the DNRC.
- The combined portions of a divided water right cannot exceed the total flow rate, volume, or period of diversion of the original right.
- The DNRC has no jurisdiction concerning easement, right-of-way, and zoning matters. The buyer and seller must make these provisions where necessary.
- There may be ongoing court action regarding this water right and terms and conditions applicable to the exercise of the divided right. The buyer should be familiar with all aspects of the right received.

PART B – SELLER'S PORTION

(Attach additional sheets if necessary)

1. SELLER'S NAME Miller Cattle Co.

2. PORTION OF WATER RIGHT RETAINED

The flow rate, 2.45 cfs, will be shared on a rotational basis

Unless specifically divided in the attached recorded document, both the Seller's and Buyer's water right will retain the full flow rate and the use of the flow rate must be shared and/or alternated. Attach an additional sheet explaining how this will be done such that, in combination, the flow rate of the original water right will not be exceeded.

Purpose of Use Irrigation Volume (acre-feet) _____
Purpose of Use _____ Volume (acre-feet) _____

3. POINT OF DIVERSION (describe the location to the nearest 10 acres, three quarter sections)

NE 1/4 NE 1/4 NW 1/4 Sec 28 TWP 6 ☐ N ☒ S RGE 4 ☐ E ☒ W

Lot/Tract _____ Block _____ Subdivision Name _____

COS _____ Gov't Lot _____ County Madison1/4 1/4 1/4 Sec TWP ☐ N ☐ S RGE 4 ☐ E ☐ W

Lot/Tract _____ Block _____ Subdivision Name _____

COS _____ Gov't Lot _____ County _____

4. PLACE OF USE

Purpose of Use Irrigation County Madison5.96 acres 1/4 NW 1/4 NW 1/4 Sec 21 TWP 6 ☐ N ☒ S RGE 4 ☐ E ☒ W_____ acres 1/4 1/4 1/4 Sec TWP ☐ N ☐ S RGE _____ ☐ E ☐ W_____ acres 1/4 1/4 1/4 Sec TWP ☐ N ☐ S RGE _____ ☐ E ☐ W_____ acres 1/4 1/4 1/4 Sec TWP ☐ N ☐ S RGE _____ ☐ E ☐ W5.96 Total AcresLot/Tract Tract 1B-2 Block _____ Subdivision Name _____COS 2680-BA Gov't Lot _____

Geocodes(s) _____

Purpose of Use _____ County _____

_____ acres 1/4 1/4 1/4 Sec TWP ☐ N ☐ S RGE _____ ☐ E ☐ W_____ acres 1/4 1/4 1/4 Sec TWP ☐ N ☐ S RGE _____ ☐ E ☐ W_____ acres 1/4 1/4 1/4 Sec TWP ☐ N ☐ S RGE _____ ☐ E ☐ W_____ acres 1/4 1/4 1/4 Sec TWP ☐ N ☐ S RGE _____ ☐ E ☐ W

_____ Total Acres

Lot/Tract _____ Block _____ Subdivision Name _____

COS _____ Gov't Lot _____

Geocodes(s) _____

5. SIGNATURE

I DECLARE UNDER PENALTY OF PERJURY AND UNDER THE LAWS OF THE STATE OF MONTANA THAT THE FOREGOING IS TRUE AND CORRECT.

Seller Signature Miller Cattle Co.Date: 8-14-20

By: _____

Robert O. Miller, President

PART C - BUYER'S PORTION

(Attach additional sheets if necessary. If more than one buyer, add sheets showing each buyer's portion.)

1. BUYER'S NAME Alder Triple R LLC

2. PORTION OF WATER RIGHT ACQUIRED

Flow Rate (gpm/cfs) The flow rate, 2.45 cfs, will be shared on a rotational basis

Purpose of Use Irrigation Volume (acre-feet) _____

Purpose of Use _____ Volume (acre-feet) _____

3. POINT OF DIVERSION (describe the location to the nearest 10 acres, three quarter sections)

SW 1/4 NE 1/4 SW 1/4 Sec 21 TWP 6 ☐ N ☒ S RGE 4 ☐ E ☒ W

Lot/Tract 8B Block _____ Subdivision Name _____

COS 2580-BA Gov't Lot _____ County Madison

____ 1/4 ____ 1/4 ____ 1/4 Sec ____ TWP ____ ☐ N ☐ S RGE ____ ☐ E ☐ W

Lot/Tract _____ Block _____ Subdivision Name _____

COS _____ Gov't Lot _____ County _____

4. PLACE OF USE

Purpose of Use Irrigation County Madison

7.7 acres W2 1/4 NW 1/4 NW 1/4 Sec 21 TWP 6 ☐ N ☒ S RGE 4 ☐ E ☒ W

27 acres ____ 1/4 NE 1/4 NE 1/4 Sec 20 TWP 6 ☐ N ☒ S RGE 4 ☐ E ☒ W

0.8 acres NE 1/4 NW 1/4 NE 1/4 Sec 20 TWP 6 ☐ N ☒ S RGE 4 ☐ E ☒ W

____ acres ____ 1/4 ____ 1/4 ____ 1/4 Sec ____ TWP ____ ☐ N ☐ S RGE ____ ☐ E ☐ W

35.5 Total Acres

Lot/Tract Tract 8B Block _____ Subdivision Name _____

COS 2580-BA Gov't Lot _____

Geocodes(s) _____

Purpose of Use _____ County _____

____ acres ____ 1/4 ____ 1/4 ____ 1/4 Sec ____ TWP ____ ☐ N ☐ S RGE ____ ☐ E ☐ W

____ acres ____ 1/4 ____ 1/4 ____ 1/4 Sec ____ TWP ____ ☐ N ☐ S RGE ____ ☐ E ☐ W

____ acres ____ 1/4 ____ 1/4 ____ 1/4 Sec ____ TWP ____ ☐ N ☐ S RGE ____ ☐ E ☐ W

____ acres ____ 1/4 ____ 1/4 ____ 1/4 Sec ____ TWP ____ ☐ N ☐ S RGE ____ ☐ E ☐ W

____ Total Acres

Lot/Tract _____ Block _____ Subdivision Name _____

COS _____ Gov't Lot _____

Geocodes(s) _____

5. SIGNATURE

I DECLARE UNDER PENALTY OF PERJURY AND UNDER THE LAWS OF THE STATE OF MONTANA THAT THE FOREGOING IS TRUE AND CORRECT.

Buyer Signature: Alder Triple R LLC

Date: 8.13.20

By: _____

Jeffrey E. Keller, Manager

WATER RESOURCES OFFICES

- BILLINGS:** AIRPORT INDUSTRIAL PARK, 1371 RIMTOP DR., BILLINGS MT 59105-1978
PHONE: 406-247-4415 FAX: 406-247-4416
SERVING: Big Horn, Carbon, Carter, Custer, Fallon, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, and Yellowstone Counties
- BOZEMAN:** 2273 BOOT HILL COURT, SUITE 110, BOZEMAN MT 59715
PHONE: 406-586-3136 FAX: 406-587-9726
SERVING: Gallatin, Madison, and Park Counties
- GLASGOW:** 222 6TH STREET SOUTH, PO BOX 1269, GLASGOW MT 59230-1269
PHONE: 406-228-2561 FAX: 406-228-8706
SERVING: Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, Valley, and Wibaux Counties
- HAVRE:** 210 6TH AVENUE, PO BOX 1828, HAVRE MT 59501-1828
PHONE: 406-265-5516 FAX: 406-265-2225
SERVING: Blaine, Chouteau, Glacier, Hill, Liberty, Pondera, Teton, and Toole Counties
- HELENA:** 1424 9TH AVE., PO BOX 201601, HELENA MT 59620-1601
PHONE: 406-444-6999 FAX: 406-444-9317
SERVING: Beaverhead, Broadwater, Deer Lodge, Jefferson, Lewis and Clark, Powell, and Silver Bow Counties
- KALISPELL:** 655 TIMBERWOLF PARKWAY, SUITE 4, KALISPELL MT 59901-1215
PHONE: 406-752-2288 FAX: 406-752-2843
SERVING: Flathead, Lake, Lincoln, and Sanders Counties
- LEWISTOWN:** 613 NORTHEAST MAIN ST., SUITE E, LEWISTOWN MT 59457-2020
PHONE: 406-538-7459 FAX: 406-538-7089
SERVING: Cascade, Fergus, Golden Valley, Judith Basin, Meagher, Musselshell, Petroleum, and Wheatland Counties
- MISSOULA:** 2705 SPURGIN RD. BLDG.C, PO BOX 5004, MISSOULA MT 59806-5004
PHONE: 406-721-4284 FAX: 406-542-5899
SERVING: Granite, Mineral, Missoula, and Ravalli Counties

MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

Water Resources Division - Water Rights Bureau

WEBSITE: <http://dnrc.mt.gov/wrd/>



STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 8TH AVENUE P.O. BOX 201801 HELENA, MONTANA 59620-1801
GENERAL ABSTRACT

Water Right Number: 41C 100944-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: JOHN BRENDEN ~~ALDER TRIPLE R LLC~~
PO BOX 107 386 Park Avenue South, 20th Floor
ALDER, MT 59710 0107 New York, NY 10016

JUDY BRENDEN
PO BOX 107
ALDER, MT 59710 0107

MILLER CATTLE CO
PO BOX 184
ALDER, MT 59710 0184

RUBY RIVER RETREAT LLC
4302 ORCHARD CHASE COURT
KATY, TX 77450 5273

TRANSFER PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT WILL BE SPLIT
INTO SEPARATE OWNERSHIPS AFTER FINAL DECREE.

Priority Date: APRIL 30, 1886

Enforceable Priority Date: APRIL 30, 1886

Type of Historical Right: DECREE

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 2.45 CFS Flow rate of 41C 100944 00 and 41C 100944 - Split Claim will be shared on a rotating basis.

Maximum Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT
PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 129.00 35.5

Source Name: RUBY RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		NENENW	28	6S	4W	MADISON

Period of Diversion: APRIL 1 TO NOVEMBER 4

Diversion Means: HEADGATE

Ditch Name: PHILLIPS DITCH NO. 1

2	1	SWNESW	21	6S	4W	MADISON
---	---	--------	----	----	----	---------

Period of Diversion: APRIL 1 TO NOVEMBER 4

Diversion Means: HEADGATE

Ditch Name: PHILLIPS DITCH NO. 2

DITCH NAME FOR DIVERSION NO. 2 IS: PHILLIPS DITCH NO. 2

DITCH NAME FOR DIVERSION NO. 01 IS: PHILLIPS DITCH NO. 1

Period of Use: APRIL 1 to NOVEMBER 4

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	36.00		NENE	20	6S	4W	MADISON
2	93.00		W2	21	6S	4W	MADISON
Total:	129.00						

This POU has been split, refer to
the POU listed below.

Geocodes/Valid: 25 0420 20 1 01 02 0000 -Y 25 0420 21 2 01 02 0000 -Y
25 0420 21 2 01 10 0000 -Y 25 0420 21 3 01 01 0000 -Y
25 0420 21 4 01 20 0000 -Y

Remarks:

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

100941-00! 100944-00

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 07/01/98.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 8762 RECEIVED 05/20/2003.

OWNERSHIP UPDATE TYPE 608 # 12214 RECEIVED 01/06/2004.

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rgs</u>	<u>County</u>
1	0.8		NENWNE	20		6S	4W	MADISON
2	27		NENE	20		6S	4W	MADISON
3	7.7		W2NWNW	21		6S	4W	MADISON

Total: 35.5

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201801 HELENA, MONTANA 59620-1801
GENERAL ABSTRACT

Water Right Number: 41C 100944-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: JOHN BRENDEN Additional owners
PO BOX 107 listed below.
ALDER, MT 59710-0107

JUDY BRENDEN
PO BOX 107
ALDER, MT 59710-0107

MILLER CATTLE CO
PO BOX 184
ALDER, MT 59710-0184

RUBY RIVER RETREAT LLC
4302 ORCHARD CHASE COURT
KATY, TX 77450-5273

~~TRANSFER PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT WILL BE SPLIT
INTO SEPARATE OWNERSHIPS AFTER FINAL DECREE.~~

Priority Date: APRIL 30, 1866

Enforceable Priority Date: APRIL 30, 1866

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 2.45 CFS Flow rate of 41C 100944 00 and 41C 100944 - Split Claim will be shared on a rotating basis.

Maximum Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT
PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 129.00 93.5

Source Name: RUBY RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr	Sec	Sec	Twp	Rge	County
1	NENENW	28	6S	4W	MADISON		

Period of Diversion: APRIL 1 TO NOVEMBER 4

Diversion Means: HEADGATE

Ditch Name: PHILLIPS DITCH NO. 1

2	SWNESW	21	6S	4W	MADISON		
---	--------	----	----	----	---------	--	--

~~Period of Diversion: APRIL 1 TO NOVEMBER 4~~

~~Diversion Means: HEADGATE~~

~~Ditch Name: PHILLIPS DITCH NO. 2~~

DITCH NAME FOR DIVERSION NO. 2 IS: PHILLIPS DITCH NO. 2

DITCH NAME FOR DIVERSION NO. 01 IS: PHILLIPS DITCH NO. 1

Period of Use: APRIL 1 to NOVEMBER 4

Place of Use:

ID	Acres	Govt Lot	Qtr	Sec	Sec	Twp	Rge	County
1	38.00	NENE	20	6S	4W	MADISON		
2 1	93.00	93.5	W2	21	6S	4W	MADISON	
Total:	129.00	93.5						

Geocodes/Valid: 25 0420 20 1 01 02 0000-Y 25 0420 21 2 01 02 0000-Y

25 0420 21 2 01 10 0000-Y 25 0420 21 3 01 01 0000-Y

25 0420 21 4 01 20 0000-Y

Remarks:

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

100941-00! 100944-00

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 07/01/98.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 8762 RECEIVED 05/20/2003.

OWNERSHIP UPDATE TYPE 608 # 12214 RECEIVED 01/06/2004.

Additional Owners:

Robert O. & Dena R. Miller
PO Box 184
Alder, MT 59710-0184

Miller U-O Ranch Inc
Kennewick, WA 99710-0053


Ruby River Ranch

Madison County, MT



41C 100941 00 & 41C 100944 00
641

Property Ownership

 Miller Cattle Co. sold to Alder Triple R, LLC

 Robert O. & Dena R. Miller

 Miller Cattle Co. Retained Property

 John D. & W. Judy Brendel

 Miller U-O Ranch Inc.

 Ruby River Retreat LLC

 PODs

 Phillips Ditch No. 1

 Elser-Finley-Norton Ditch

 Split Claim POU

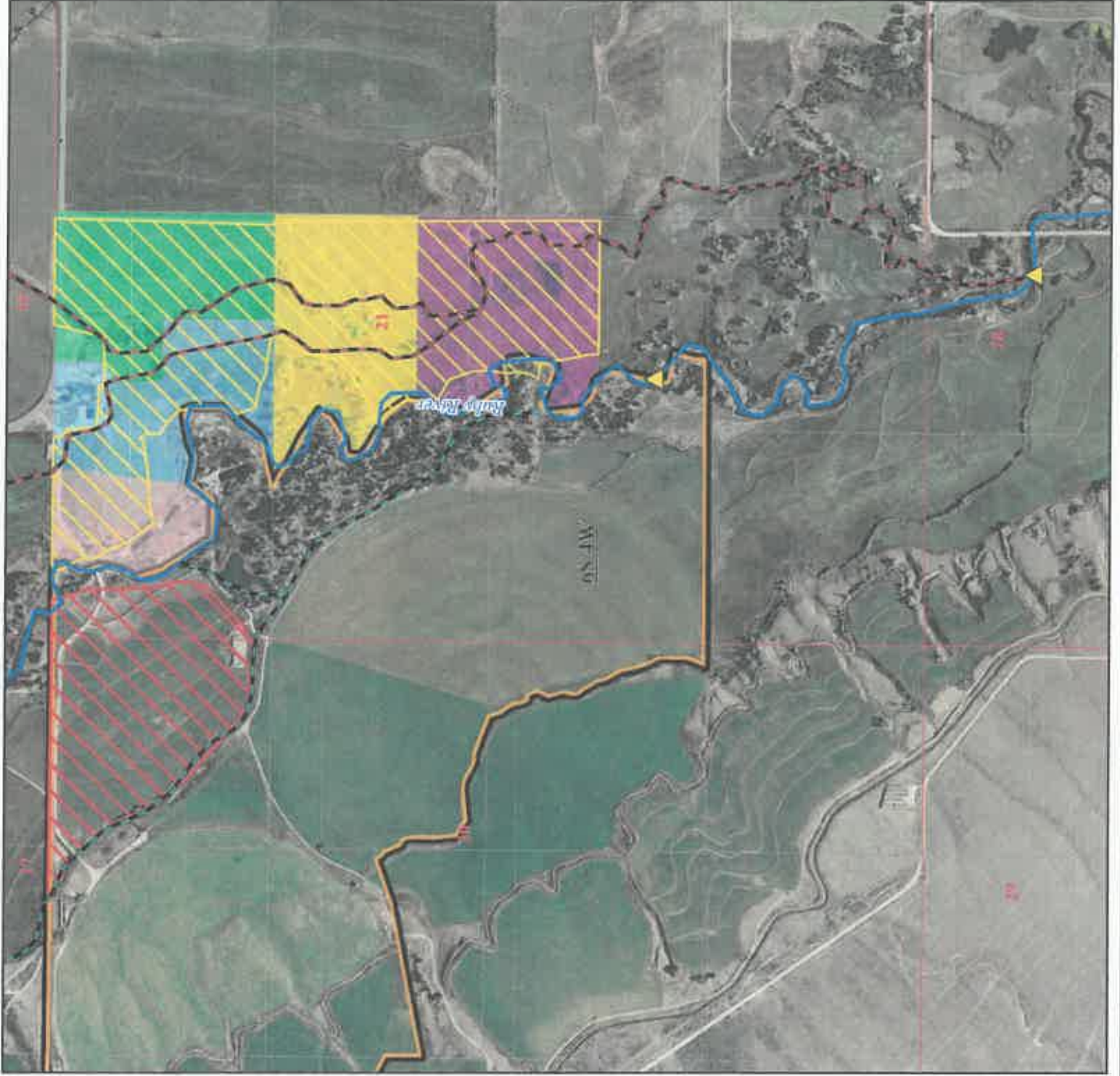
 POU



Created 07/31/2020
Aerial Imagery:
10/15/2017 NAIP

0 0.125 0.25
Miles

This map is for illustrative purposes only and does not guarantee the accuracy of delineated boundaries.



After recording, return to:

First American Title Company
122 S. 1st Street
P.O. Box 899
Ennis, MT 59729



Doc # 191079 eRecorded Pages: 2 Book Page:
STATE OF MONTANA MADISON COUNTY
Recorded 8/14/2020 4:05 PM KDI: DEED
Kathleen Mumme, CLERK & RECORDER
Fee: \$ 14.00 BY: *Kathleen Mumme*
To: First American Title Company - Enn, 122 S 1st St., Ennis MT 59729

906/71 ⑥

WARRANTY DEED

FOR VALUE RECEIVED, Miller Cattle Co., a Montana corporation, whose address is P.O. Box 184, Alder, MT 59710, Grantor, hereby grants, sells, assigns, transfers, and conveys to Alder Triple R LLC, a Montana limited liability company, whose address is 386 Park Avenue South, 20th Floor, New York, NY 10016, Grantee, in fee simple forever, the real property located in Madison County, Montana, described more particularly as follows (referred to herein as "Property"):

A tract of land located in the NE1/4 of Section 20 and the NW1/4 of Section 21, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described as Tract 6B on Certificate of Survey filed in Book 7 of Surveys, page 2560-BA, records of Madison County, Montana.

A tract of land situated in the E1/2 of Section 20, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described as Tract 2 on Certificate of Survey filed in Book 7 of Surveys, page 1647, records of Madison County, Montana.

A tract of land situated in the SW1/4NW1/4 and the NW1/4SW1/4 of Section 21, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described as Tract 4 on Certificate of Survey filed in Book 7 of Surveys, page 1647, records of Madison County, Montana.

A tract of land situated in the W1/2 of Section 21, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described as Tract 5 on Certificate of Survey filed in Book 7 of Surveys, page 1647, records of Madison County, Montana.

A tract of land situated in the N1/2 of Section 20, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described as Cote B-2 on Certificate of Survey filed in Book 7 of Surveys, page 1935-BA, records of Madison County, Montana.

Lot 1 of Cote Meadows Minor Subdivision located in the N1/2 of Section 20, Township 6 South, Range 4 West, P.M.M., Madison County, Montana, more particularly shown and described on Book 4 of Plats, page 567, records of Madison County, Montana.

TOGETHER WITH all improvements, rights, privileges, easements, reversions, remainders, rents, royalties, issues, and profits which are appurtenant to or obtained from the Property, including, without limitation, all water, water rights, ditches, ditch rights, timber rights, and minerals, gas, oil and other hydrocarbon rights not reserved or conveyed by Grantor's predecessors in title and pertaining to the Property, and all right, title and interest of the Grantor in and to all roads streets and alleys adjoining or passing through the Property.

SUBJECT TO taxes, levies and assessments for 2020, reservations in federal and state patents, existing easements and rights-of-way apparent from physical examination and inspection of the Property or of record, surveys, covenants, conditions and restrictions of record, mineral and royalty reservations or conveyances of record and oil, gas and mineral leases of record, water, water rights, and ditch rights, for which the Grantor makes no warranties whatsoever, county road rights-of-way not recorded or indexed as a conveyance in the office of the Clerk and Recorder of Madison County, Montana, and federal, state and local laws and regulations affecting the Property, if any.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee and to Grantee's successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except for those stated above, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 14 day of AUGUST, 2020.

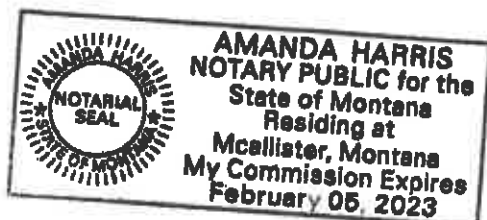
GRANTOR:
Miller Cattle Co., a Montana corporation

By: [Signature]
Robert O. Miller, President

STATE OF MONTANA)
 :ss
COUNTY OF MADISON)

This instrument was acknowledged before me on the 14 day of AUGUST, 2020 by Robert O. Miller, in his capacity as President of Miller Cattle Co., a Montana corporation, Grantor.

[Signature]
Notary Public for the State of Montana



After recording, return to:

Cusick, Farve, Mattick & Refling
P.O. Box 1288
Bozeman, MT 59771-1288



Doc #: 191882 eRecorded Pages: 5 Books: Pages:
STATE OF MONTANA MADISON COUNTY
Recorded 8/14/2020 4:05 PM KOL: AGREEMENT
Kathleen Mumma, CLERK & RECORDER BY: *Kathleen Mumma*
Fee: \$ 35.00
To: First American Title Company - Enn, 122 S 1st St., Ennis MT 59729

906171 (9)

WATER USE AGREEMENT

THIS WATER USE AGREEMENT ("Agreement") is made by and between Miller Cattle Co., a Montana corporation, with an address of P.O. Box 184, Alder, MT 59710 ("Miller Cattle"), Robert O. Miller and Dena R. Miller, with an address of P.O. Box 184, Alder, MT 59710 ("Millers"), and Alder Triple R LLC, with an address of 386 Park Avenue South, 20th Floor, New York, NY 10016 ("Alder Triple R") (each of whom is individually referred to as a "Party" and are collectively referred to as the "Parties"), for the shared use of water right claim numbers 41C 100941-00 and 41C 100944-00.

RECITALS

WHEREAS, water right claim numbers 41C 100941-00 and 41C 100944-00 have overlapping and identical points of diversion and places of use.

WHEREAS, water right claim numbers 41C 100941-00 and 41C 100944-00 have historically been utilized simultaneously to irrigate portions of the place of use at any one time, rotating the use of water until the entire 129 acre place of use is fully irrigated.

WHEREAS, the use of water right claim numbers 41C 100941-00 and 41C 100944-00 requires the shared and rotational use of the full flow rate of both of these water right claims.

WHEREAS, Alder Triple R is purchasing a portion of Miller Cattle's property which includes part of the place of use of water right claim numbers 41C 100941-00 and 41C 100944-00.

WHEREAS, Alder Triple R desires to split a portion of water right claim numbers 41C 100941-00 and 41C 100944-00 but maintain common shared use of the full flow rate, consistent with the historic rotational use of these water right claims.

WHEREAS, all of the Parties, in their best interest and to assist in the maximum beneficial shared use of these water right claims, desire to enter into an agreement that sets forth the shared and rotational use of the flow rate of these water right claims.

SHARED USE AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants, promises and stipulations contained herein, the Parties agree as follows:

1. Water Right Claim 41C 100941-00. The Parties agree that parent water right claim number 41C 100941-00 and Alder Triple R's water right claim split from claim number 41C 100941-00 should have the following informational remark added to each claim:

The water rights following this statement share a flow rate of 1.25 cfs: 41C 100941-00 and 41C 100941-Alder Triple R split claim. Not more than 1.25 cfs may be diverted at any one time under these claims. The parties have entered into a private agreement to allocate water use between their respective properties.

2. Water Right Claim 41C 100944-00. The Parties agree that parent water right claim number 41C 100944-00 and Alder Triple R's water right claim split from claim number 41C 100944-00 should have the following informational remark added to each claim:

The water rights following this statement share a flow rate of 2.45 cfs: 41C 100944-00 and 41C 100944-Alder Triple R split claim. Not more than 2.45 cfs may be diverted at any one time under these claims. The parties have entered into a private agreement to allocate water use between their respective properties.

3. Shared Use Agreement. The Parties agree it is in their best interest to enter into a shared use agreement concerning the rotational use of water right claim numbers 41C 100941-00, 41C 100944-00, and Alder Triple R's split portion of these water right claims. The Parties agree to share the flow rate of these claims, either the entire flow rate or a portion of the flow rate, and rotate the use of the flow rate through either of the two points of diversion to irrigate their respective portions of the 129.0 acre place of use. The Parties agree they will meet or discuss their irrigation plans prior to the start of the irrigation season and agree to a plan to share and rotate the use of their respective flow rates at that time.

The Parties agree that each year several circumstances may affect the use of their respective water rights through the points of diversion and the order in which the Parties utilize the flow rates, including, but not limited to, availability of water, climatic conditions, crop needs, current weather, and readiness of the Parties to irrigate. Accordingly, the shared use of the flow rates shall serve only as a general guideline to be used when all Parties are ready to irrigate, require the beneficial use of water on their claimed places of use, and water flow from the Ruby River is sufficient to satisfy use for the specified number of days. If any Party no longer has need for the use of their respective flow rate for any reason, including satisfying their crop needs prior to the expiration of their agreed upon rotational use, they agree to notify the other Parties as soon as possible so the next Party in the rotational schedule can begin using the flow rate for the maximum beneficial use of the shared water rights.

The Parties agree to proceed in irrigating their respective places of use with reasonable diligence and utilize the historical, ordinary, and customary irrigation practices of this area in order to maximize the shared use of the flow rate.

ADDITIONAL TERMS

The terms of this Agreement shall not prevent a Party from applying for new water permits; purchasing water rights; selling, conveying, or leasing existing water rights; applying for changes in existing water rights; or converting from flood to sprinkler irrigation, so long as the terms and conditions of this Agreement are satisfied.

Miller Cattle Co. and Robert and Dena Miller agree to not object to a change application submitted by Alder Triple R to change the point of diversion from Phillips Ditch Number 2 located in the SWNESW of Section 21, Township 6 South, Range 4 West to the Elser-Finley-Norton Ditch located just north of that in the NWNESW of Section 21, Township 6 South, Range 4 West.

This Agreement shall be binding on the successors, administrators, executors, heirs, general and limited partners, and assignees of the Parties.

Nothing in this Agreement shall create any right, claim, cause of action, objection, defense, or other remedy in any person not a Party to this Agreement

If this Agreement is breached by any Party, the breaching Party shall be liable for damages, costs, and reasonable attorney's fees. The non-breaching Parties may also apply to a court of competent jurisdiction for injunctive orders to require the breaching Party to comply with the terms and conditions of this Agreement.

This Agreement may be executed in counterparts and, when put together, shall constitute a single document.

This Agreement constitutes the entire Agreement between the Parties and shall be effective upon the signature of the last Party to sign the Agreement.

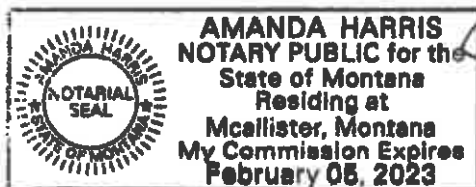
MILLER CATTLE CO.,
a Montana corporation



Robert O. Miller, President

8.14.20
Date

STATE OF MONTANA)
COUNTY OF MADISON)
:ss

This instrument was acknowledged before me on the 14 day of August, 2020 by Robert O. Miller, in his capacity as President of Miller Cattle Co., a Montana corporation.




Notary Public for the State of _____
Printed Name: _____
Residing at: _____
My Commission Expires: _____

ROBERT O. MILLER,
Individually


Robert O. Miller

8-14-20
Date

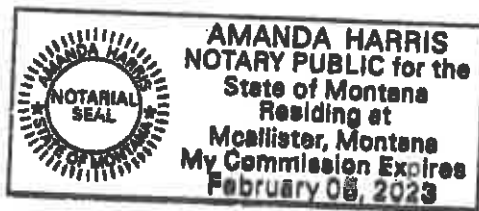
DENA R. MILLER,
Individually

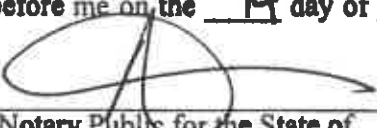

Dena R. Miller

8-14-20
Date

STATE OF MONTANA)
COUNTY OF MADISON)
:ss

This instrument was acknowledged before me on the 14 day of AUGUST, 2020 by Robert O. Miller and Dena R. Miller.




Notary Public for the State of _____
Printed Name: _____
Residing at: _____
My Commission Expires: _____

ALDER TRIPLE R LLC
a Montana Limited Liability Company

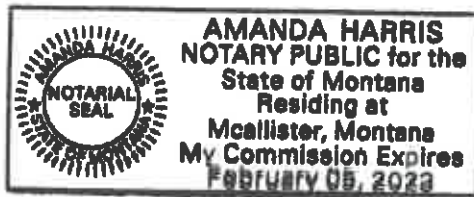
Jeffrey E. Keltner **Manager**

8.13.20
Date

STATE OF MISSISSIPPI)
COUNTY OF MADEIRA) ss

This instrument was acknowledged before me on the 13 day of AUGUST, 2020 by Jeffrey E. Kelter, in his capacity as Manager of Alder Triple R LLC, a Montana limited liability company.

Notary Public for the State of _____
Printed Name: _____
Residing at: _____
My Commission Expires: _____



DNRC WATER RIGHT OWNERSHIP UPDATE

This form is for DNRC record keeping purposes only as required by § 85-2-101(2), MCA.

The deed is the legal document transferring the water right.

Use a new form for each deed transaction.

Mail the completed form and fee to your local water resources office at the address on the next page.

Filing Fee

\$50.00 for 1 water right and \$10.00 for each additional right up to a maximum of \$300.00.

Make checks payable to DNRC

RECEIVED

AUG 28 2020

FOR DEPARTMENT USE ONLY
Bozeman Water Resources

Rec'd By 90/190 Check No. 190
Fee Rec'd \$ DMS 2600f
Payor DMS Date _____
Refund \$ _____
Deposit Receipt # _____
Coder _____ RO# _____ OUID# _____
For complete information, see file: _____

1. **SELLER (Grantor)** Miller Cattle Co.
MAILING ADDRESS PO Box 184
CITY Alder **STATE** MT **ZIP** 59710
PHONE 408-596-2211 **EMAIL** rob.millercattle@gmail.com

2. **BUYER (Grantee)** Alder Triple R LLC
MAILING ADDRESS 386 Park Avenue South, 20th Floor
CITY New York **STATE** NY **ZIP** 10018
PHONE 917-626-3971 **EMAIL** jkeller@kshcapital.com

3. **CLOSING / CONTACT INFORMATION**
DATE OF CLOSING: August 14, 2020 If applicable, provide your file number: _____
NAME Dorothy Stephenson, DMS Natural Resources LLC **ADDRESS** 602 S. Ferguson Ave. Suite #2 Bozeman, MT 59716 **PHONE #** 408-582-4988

4. **ATTACH A COPY OF A RECORDED DEED OR OTHER DOCUMENT OF CONVEYANCE SHOWING TRANSFER OF THE PROPERTY / WATER RIGHTS AND DNRC WILL PROCESS THE FORM. IF NO DEED IS ATTACHED, DNRC WILL WAIT FOR TRANSFER INFORMATION FROM DEPARTMENT OF REVENUE TO PROCESS THE UPDATE.**

5. **LIST ALL WATER RIGHTS THAT REQUIRE UPDATED OWNERSHIP. Attach a list if additional space is needed.**

**If the buyer did not receive 100% of the seller's interest in the water rights, do not use this form. File Form 641.*

County	Geocode of Property being Transferred	Water Right Number
Madison		41C 30000822
		41C 30107156
		41C 100939 00
		41C 100942 00
		41C 100945 00

DNRC OWNERSHIP UPDATE INFORMATION

IMPORTANT INFORMATION

- If you do not attach the proper **RECORDED** deed or instrument of conveyance, DNRC will wait for information from Department of Revenue indicating the deed was filed prior to updating the ownership on your water rights.
- Do not file this form if only a portion of the seller's interest of the water right is being transferred. Complete and file Form 641 DNRC Ownership Update Divided Interest.
- Do not file this form if you are severing a water right. Complete and file Form 642 DNRC Ownership Update Exempt (Reserved) / Severed Water Right.
- Do not file this form if your only use of water is from an irrigation district, municipal system, water users' association, or other public water supply.
- If the sale is on a Contract for Deed, the seller will remain listed as a co-owner of the water right until the contract is satisfied.

IF YOU HAVE QUESTIONS, CONTACT YOUR LOCAL WATER RESOURCES REGIONAL OFFICE.

BILLINGS

Airport Business Park
1371 Rimtop Dr.
Billings, MT 59105
406-247-4415

Big Horn, Carbon, Carter, Custer, Fallon, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, & Yellowstone Counties

BOZEMAN

2273 Boot Hill Court, Suite 110
Bozeman, MT 59715
406-586-3136

Gallatin, Madison, & Park Counties

GLASGOW

222 Sixth St. South; PO Box 1269
Glasgow, MT 59230
406-228-2561

Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, Valley, & Wibaux Counties

HAVRE

210 6th Ave.; PO Box 1828
Havre, MT 59501
406-265-5516

Blaine, Chouteau, Glacier, Hill, Liberty, Pondera, Teton, & Toole Counties

HELENA

1424 9th Ave
PO Box 201601
Helena, MT 59620
406-444-6999

Beaverhead, Broadwater, Deer Lodge, Jefferson, Lewis & Clark, Powell, & Silver Bow Counties

KALISPELL

655 Timberwolf Parkway, Suite 4
Kalispell, MT 59901-1215
406-752-2288

Flathead, Lake, Lincoln, & Sanders Counties

LEWISTOWN

613 NE Main, Suite E
Lewistown, MT 59457
406-538-7459

Cascade, Fergus, Golden Valley, Judith Basin, Meagher, Musselshell, Petroleum, & Wheatland Counties

MISSOULA

2705 Spurgin Rd, Bldg C
PO Box 5004
Missoula, MT 59806

Granite, Mineral, Missoula, & Ravalli Counties



<http://www.dnrc.mt.gov/divisions/water>

Appendix J

STATEMENT OF CLAIM
FOR EXISTING WATER RIGHTS

RECEIVED

IRRIGATION

DEC 23 1981

For the Water Courts of the State of Montana

MONTANA D.N.R.C.
BOZEMAN FIELD OFFICE

1. Owner of Water Right

Co-Owner or Other
Interest Owner

Address

City

State

Zip Code

Home Phone No.

Business Phone No.

2. Person completing form

Address

City

State

Zip Code

Home Phone No.

Business Phone No.

3. Name of ditch, creek or river

Use: ☒ Irrigation

4. Method of Irrigation Use:

☐

Sprinkler

☐

Furrow

☒

Flood

5. Source of Water:

(Check Only One)

☐

Spring

Name

☐

Well

Name

☒

Stream

Name

☐

Lake

Name

Tributary of

Stream

☐

Reservoir

Name

Stream

Tributary of

6. Point of Diversion:

County

NW 1/4

SE 1/4

NE 1/4

Section

T

R

S

R

4

NW

Lot

Block

Subdivision

7. Means of Diversion:

☐

Pump

Capacity

gpm

☒

Headgate and ditch or pipe

☐

Flood and dike

8. Means of Conveyance:

☒

Ditch

☐

Pipeline

☐

Other:

Explain

9. Place of use and acres irrigated.

County

Madison

25 acres, _____ Lot, _____ Block, _____ $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, T 6 N/S, R 4 E/W
 _____ acres, _____ Lot, _____ Block, _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____, T _____ N/S, R _____ E/W
 _____ acres, _____ Lot, _____ Block, _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____, T _____ N/S, R _____ E/W
 _____ acres, _____ Lot, _____ Block, _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____, T _____ N/S, R _____ E/W
 _____ acres, _____ Lot, _____ Block, _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____, T _____ N/S, R _____ E/W

25 Total acres.

Subdivision _____

10. Flow rate claimed:

50

- ☐ cubic feet per second
☐ gallons per minute
☒ miner's inches

11. Volume claimed:

150

acre-feet per year

12. Period(s) of use:

APR 1 1 to NOV 1 1
 Month Day Month Day

13. Check one:

- ☒ Decreed Water Right
☐ Filed Appropriation Right
☐ Use Water Right

Priority date or date of first use

1 APRIL 1 1865
 Hour Month Day Year

14. Attach copies of the Decree, Record of Filing or Proof of Use Right.

15. Attach copies of aerial photographs, U.S. Geological Survey maps or such other documents necessary to show point of diversion, place of use, place of storage, and conveyance facilities.

16. Notarized Statement signed by claimant.

STATE OF MONTANA

County of

Madison

I, MAX O MILLER, having been duly sworn, depose and say that I, being of legal age and being the claimant of this claim of existing water right, and the person whose name is signed to it as the claimant, know the contents of this claim and the matters and things stated there are true and correct.

Max O Miller

Subscribed and sworn before me, this

22

day of

Dec19 81

Sherry Strickland
 Notary Public for the State of Montana

Residing at

Bozeman

My Commission expires

1-15-1984

100941

*T. 4 S
R. 4 W*

POD

470 000
FEET
0012

45 15'
112 07 30'

RUBY RIVER RESERVOIR, MI.
MONITOR STATION

11 330 000 FEET 1414'

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF MONTANA, IN AND FOR THE COUNTY OF MADISON

100941

JOHN F. DAUTERMAN, ET AL.

vs

GILBERT LIVESTOCK COMPANY, ET AL.

No. 3089

Page

83 and 84

of record and on file in the office of the CLERK OF COURTS in
MADISON COUNTY, Virginia City, MT 59755.

CECILIA LUECK

That the plaintiff, Cecilia Lueck, as the executrix of the last will and testament of L. H. Hansen, deceased, by and through her predecessors in interest, by means of the Bob Peters Ditch, tapping the Ruby River on its left bank, in Section 28, Township 6 South, Range 4 West, the Stanley Ditch tapping said Ruby River on its right bank in Section 33, in said township, and the Phillips Ditch tapping said Ruby River on its right bank in Section 28, in said township, diverted and appropriated from said river the following quantities of water on the respective dates, to-wit: through and by means of the Bob Peters Ditch, 58 1/3 miner's inches of the water of the Ruby River as of May 15, 1869; and 141 2/3 inches of water as of May 15, 1876; through and by means of the Stanley Ditch, 50 miner's inches of the water of the Ruby River as of April, 1865; through the Phillips Ditch 98 miner's inches of the water of the Ruby River as of April, 1866.

That the said plaintiff as the executrix of the last will and testament of L. H. Hansen, deceased, is the owner of an undivided one-third interest in the Bob Peters Ditch.

That the said plaintiff, by and through her predecessors in interest, constructed a ditch called the Phillips Ditch No. 2, tapping the Ruby River on its left bank in Section 21, in said township, which they have used for more than fifty years last past, by means of which they have diverted and appropriated and used the waters diverted by the Phillips Ditch No. 1, as aforesaid, and they have also

1 diverted and appropriated said water diverted and appropri-
2 ated by Phillips Ditch No. 1, into the Bob Peters Ditch
3 on the west side of the Ruby River on plaintiff's said
4 lands. At times they have diverted all of the waters
5 appropriated by Phillips Ditch No. 1 in Phillips Ditch No.
6 2, and at other times in the Bob Peters Ditch. That the
7 said plaintiff personally has used the waters appropri-
8 ated by the Phillips Ditch No. 1 upon his lands on the
9 east side of the Ruby River, and also on his lands on the
10 west side of the Ruby River, without injury to any other
11 party to the suit, and so has used the same and does use
12 the same with the consent and acquiescence of all the
13 other owners in the Phillips Ditch No. 1, and in the Bob
14 Peters Ditch. That ever since the dates of the respective
15 appropriation set forth in this finding and at all proper
16 times and seasons the said plaintiff and her predecessors
17 in interest have used and needed the water so appropriated
18 for irrigating her lands described in her complaint, for
19 watering livestock, for domestic and other useful and
20 beneficial purposes.

21 93.

22 GEORGE D. JENKINS, JAMES FRED JENKINS and LAURA B. BETTES

23 That the plaintiffs, George D. Jenkins, James Fred
24 Jenkins and Laura B. Bettes, successors in interest of
25 Flora J. Jenkins, deceased, by means and through their
26 predecessors in interest, by means of the Jenkins Ditch,
27 otherwise known as the Lewis-Jenkins Ditch, sometimes known
28 as the Jenkins-Wigmore-Swartz Ditch, tapping the Mill Creek
29 Slough, a tributary of the Ruby River, in Section 24,
30 Township 4 South, Range 6 West, diverted and appropriated

Appendix K

Alder Triple R LLC

Madison County, MT



41C 100941 00*
Motion to Amend

 Alder Triple R LLC Property

PODs

 Pre-73 Historic POD

 Post-73 POD

Ditches

 Elser-Finley-Norton Ditch

 Phillips Ditch No. 2

POUs

 Stock - 41C 100941 Implied stock

 Irrigation - 41C 100941 - Alder Triple R LLC Split Portion

* Represents Alder Triple R LLC split portion of 41C 100941 00 based on split submitted on 8/28/2020.



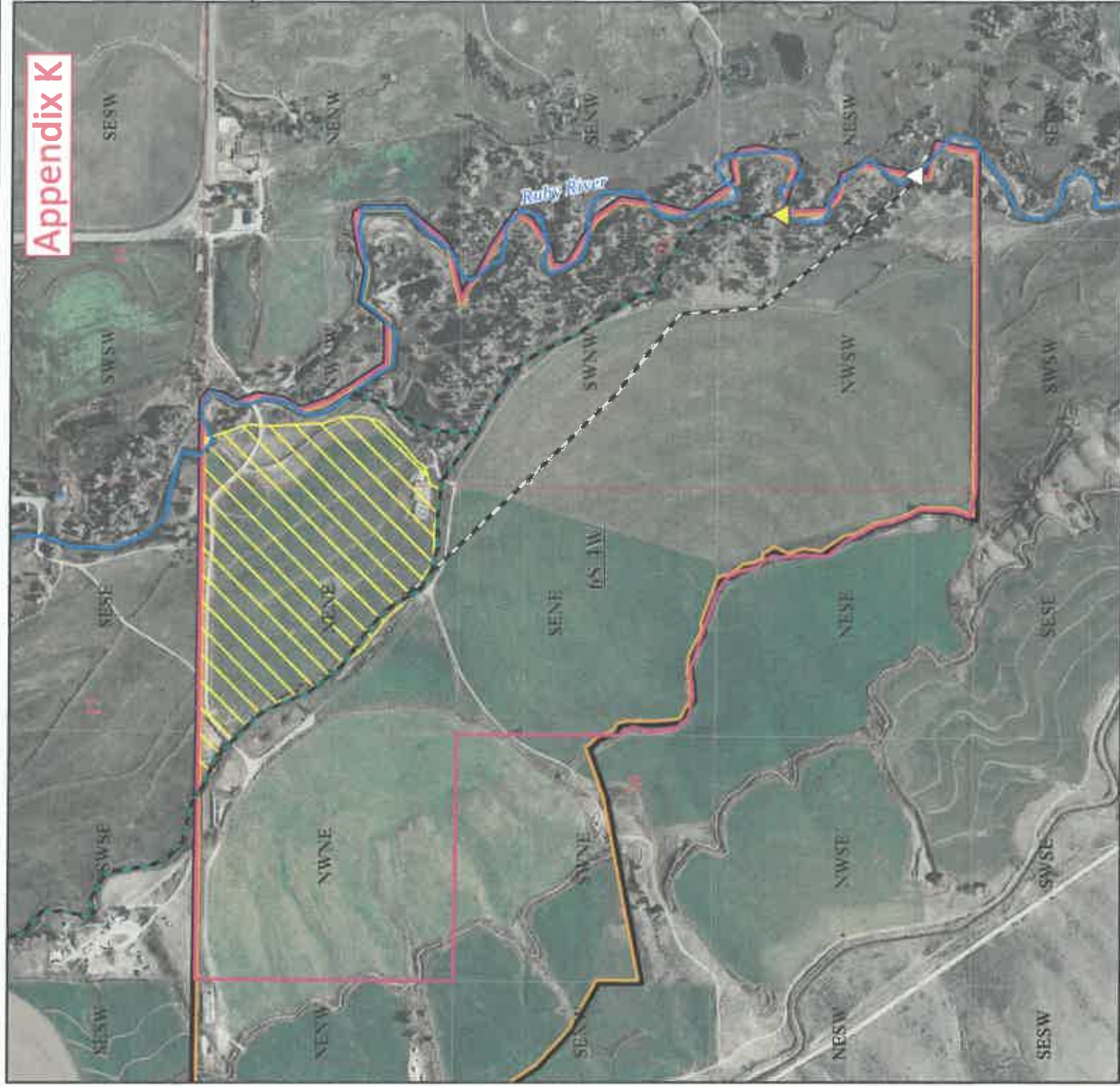
Created 09/18/2020
Aerial Imagery:
10/15/2017 NAIP

0 0.1 0.2
Miles

Miles

This map is for illustrative purposes only and does not guarantee the accuracy of delineated boundaries.

Appendix K



Appendix L

Appendix L

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201801 HELENA, MONTANA 59620-1801

GENERAL ABSTRACT

Water Right Number: 41C 100941-00 ^{Implied} STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: MILLER CATTLE CO Alder Triple R LLC
PO BOX 184 386 Park Avenue South, 20th floor
ALDER, MT 59710 0184 New York, NY 10016

Priority Date: APRIL 30, 1885

Enforceable Priority Date: APRIL 30, 1885

Type of Historical Right: DECREED

Purpose (use): IRRIGATION ^{Stock}

Flow rate of 41C 100941 00, 41C 100941-Alder Triple R LLC Split portion and 41C 100941-Implied Stock Claim will be shared on a rotating basis.

Irrigation Type: FLOOD

Maximum Flow Rate: 1.25 CFS ~~Flow rate of 41C 100941 00 and 41C 100941-Implied Stock Claim will be shared on a rotating basis.~~

Maximum Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 129.00 ^{35.5}

Source Name: RUBY RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		NENENW	28	6S	4W	MADISON

Period of Diversion: APRIL 1 TO NOVEMBER 4

Diversion Means: HEADGATE

Ditch Name: PHILLIPS DITCH NO. 1

2	1	SWNESW	21	6S	4W	MADISON
---	---	--------	----	----	----	---------

Period of Diversion: APRIL 1 TO NOVEMBER 4

Diversion Means: HEADGATE

Ditch Name: PHILLIPS DITCH NO. 2

DITCH NAME FOR DIVERSION NO. 2 IS: PHILLIPS DITCH NO. 2

DITCH NAME FOR DIVERSION NO. 01 IS: PHILLIPS DITCH NO. 1

Period of Use: APRIL 1 to NOVEMBER 4

Place of Use: ^{See below}

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	38.00		NENE	20	6S	4W	MADISON
2	93.00		W2	21	6S	4W	MADISON
Total:	129.00						

~~This FCR has been split, refer to the FCR listed below.~~

Geocodes/Valid:	25-0420-20-1-01-02-0000-Y	25-0420-21-2-01-02-0000-Y
	25-0420-21-2-01-05-0000-Y	25-0420-21-2-01-10-0000-Y
	25-0420-21-2-01-15-0000-Y	25-0420-21-3-01-01-0000-Y
	25-0420-21-3-02-01-0000-Y	25-0420-21-4-01-20-0000-Y

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

100941-00 100944-00

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

OWNERSHIP UPDATE RECEIVED

Remarks:

OWNERSHIP UPDATE TYPE 608 # 12214 RECEIVED 01/06/2004.

Place of Use:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENE	20	6S	4W	MADISON
2		NENE	20	6S	4W	MADISON
3		NWNE	20	6S	4W	MADISON
4		W2W2	21	6S	4W	MADISON
5		W2E2W2	21	6S	4W	MADISON